

THE NARROWEST PATH:  
ANTINOMIC OF FORM IN ADORNO'S *AESTHETIC THEORY* ANALYSED  
THROUGH KLEIST, HEGEL, AND MARX

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## ABSTRACT

This dissertation takes Theodor Adorno's *Aesthetic Theory* as a point of departure to analyze a number of antinomies basic to modern German thought and bourgeois society. The principal aim of this dissertation is to interpret *Aesthetic Theory's* diagnosis of the nature of aesthetic form under the historical conditions of modern bourgeois society since the late eighteenth century as a basis for examining the fate of autonomous form as such under capitalism.

The dissertation opens by exploring Adorno's late thesis that art in bourgeois society must have a double character as "both autonomous and a *fait social*" if it is to fulfill its condition as something made that appears like nature. I analyze the inevitable conflict between two equally valid aspects of the work of art: the formal law and its genesis in capitalist production. In order to lay bare this antinomy, I employ aesthetic and historical categories from Idealist, Marxist, and neo-Kantian traditions that make up the immediate context for Adorno's aesthetic theory.

After revisiting Adorno's proposed resolution to the antinomy, in chapter two I read Heinrich von Kleist's *Michael Kohlhaas* (1810) in terms of the novella's effort to reconcile its two conflicted tendencies: forensically pursuing its theme, a lawsuit, and moving towards its own lawfulness as a literary work. A reconciliation is necessary so that the novella can separate itself both from the suggestions of the prevalent juridical discourse and from dominant literary habits. While it fails to reconcile them, I argue that by showing the conflict in its formal structure it becomes a successful literary work.

Chapter three examines Hegel's systematic and historical constitution of the person in his *Elements of the Philosophy of Rights* (1821) and detects a conflict between the self-governing 'I' and its emergence out of the modern relations of hired labor. As the first major modern philosopher to turn to the new discipline of political economy, Hegel was at pains to reconcile

the predominantly economic life of bourgeois society with the autonomy of modern individuals owing their status as persons to their relationship with hired labor. These relationships, by design, make it impossible for all individuals to become *persons*, however. I discuss the difficulties in Hegel's resolution to this conflict through his theory of the state.

Chapter four shows how, in Marx's *The Eighteenth Brumaire of Louis Bonaparte* (1852), the revolutionary act of proclaiming the republic as a political form claiming to represent all people comes into conflict with that act as it is conditioned by the rise of capital and the attendant rule of one class over all others. Written at a turning point in modern European history when the idealist projects of autonomy in philosophy, aesthetics, and politics had reached their limits, Marx's short book reveals, according to my interpretation, the philosophical import and the political implications of the conflict between an autonomous form, the French republic, and its real conditions of possibility in capitalist society.

I conclude the dissertation by discussing the political nature of the aesthetic modality in which the modern problem of autonomous form was posed and trace the path to Adorno back through Marx, Kleist, and Hegel.

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My sincere thanks go to Michael Schwarz at the Walter Benjamin and Th. W. Adorno Archive (Akademie der Künste, Berlin). With kindness and insight, he devoted time and expertise to help me find my way through Adorno's lectures transcripts. I am also grateful to the librarians and coordinators and all the workers at Milton S. Eisenhower Library and the affiliated libraries.

And I thank, as I owe everything to, my fellow traveler, Bahareh Moazen, a true aesthete who knows how to turn everything, sensible or intelligible, into something "de complet, de serré et de coulant." With her stalwart character, she never ceased to come up with just syntheses for the conflicts we faced at critical points in our past decade and more together, in Tehran and in Baltimore.

Adorno moved to New York at nearly the same age as I moved to Baltimore. For all our grave differences, I would like to think that we have had one concern in common that he voiced in his report on his American years: how to remain what one was back at home while accustoming oneself to the new conditions abroad? The relation of autonomy and assimilation is not alien to the many (non)immigrants, refugees, asylum seekers today who had to abandon home—both those on their Mediterranean journey to the banks of Greek islands or the shores of Italy and Spain, or crossing Rio Grande to reach America, and others who are lucky enough safely to land in educational institutions. The present study wishes to be a tribute to the experience of the uprooted and the displaced.

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## ABBREVIATIONS

NB: Where an existing English translation is not indicated, I have given my own translations of German and French works. The abbreviations in the list below serve in-text citation, whereas the sources for all other quotations have been given in footnote. In the former case, the German page follows the English page by a forward slash and the original in most cases are provided. In citing certain primary texts, the paragraph number and the chapter number are also included.

### Theodor W. Adorno

- AT     *Aesthetic Theory*. Translated by Robert Hullot-Kentor. London: Continuum, 1997.
- ÄT     *Ästhetische Theorie*. 2<sup>nd</sup> ed. Edited by Rolf Tiedemann and Gretel Adorno. Frankfurt a. M.: Suhrkamp, 1971.
- Ä58     *Ästhetik (1958/59)*. Edited by Eberhard Ortland. Frankfurt a. M.: Suhrkamp, 2009; *Aesthetics*. Translated by Wieland Hoban. London: Polity, 2017.
- Vo61     “Ästhetik” (1961). Unpublished Lectures. Adorno Archive, Akademie der Künste, Berlin.
- Vo67     “Ästhetik” (1967/68). Unpublished Lectures. Adorno Archive, Akademie der Künste, Berlin.
- GS     *Gesammelte Schriften*. Edited by Rolf Tiedemann, Gretel Adorno, Susan Buck-Morss, and Klaus Schultze. 20 vols. Frankfurt a. M.: Suhrkamp, 1986–1997. (Berlin. Directmedia, CD-ROM. 2003.)

### Heinrich von Kleist

- MK     *Michael Kohlhaas*. Frankfurt a. M.: Suhrkamp, 2013; “Michael Kohlhaas.” In *The Marquise of O. and Other Stories*, translated by Martin Greenberg, 85–184. London: Faber and Faber, 1960.

G. W. F. Hegel

- GW    *Gesammelte Werke*. Edited by Rheinisch-Westfälischen Akademie der Wissenschaften. 30 vols. Hamburg: Felix Meiner, 1968ff.
- PR    *Elements of the Philosophy of Right*. Translated by H. B. Nisbet. Edited by Allen W. Wood. Cambridge: Cambridge University Press, 1991.
- GPR   *Grundlinien der Philosophie des Rechts*. Frankfurt a. M.: Suhrkamp, 1976.
- EG    *Enzyklopädie der philosophischen Wissenschaften im Grundrisse (1830): Dritter Teil: Philosophie des Geistes*. Edited by Friedhelm Nicolini and Otto Pöggeler. Hamburg: Felix Meiner, 1959; *Philosophy of Mind: Being Part Three of the 'Encyclopaedia of the Philosophical Sciences' (1830)*. Translated by William Wallace. Oxford: Clarendon Press, 1971.

Karl Marx

- MEW   and Friedrich Engels. *Karl Marx, Friedrich Engels: Werke*. 39 vols. Berlin: Dietz, 1956–1968.
- C    *Capital: Critique of Political Economy*. Vol. 1. Translated by Ben Fowkes. London: Penguin, 1976.
- B    *Der Achtzehnte Brumaire des Louis Bonaparte*. Frankfurt a. M.: Suhrkamp, 2007; “The Eighteenth Brumaire of Louis Bonaparte.” In Karl Marx and Friedrich Engels, *Marx & Engels Collected Works*, vol. 11, 99–198. New York: International Publishers, 1975ff.



The antithesis is the narrow gate through which error most preferably creeps into truth.  
[Die Antithese ist die enge Pforte, durch welche sich am liebsten der Irrtum zur Wahrheit  
schleicht.]

Friedrich Nietzsche<sup>1</sup>

The human being is the animal to whom one must explain the situation.  
[Der Mensch ist das Tier, dem man die Lage erklären muß.]

Peter Sloterdijk<sup>2</sup>

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<sup>1</sup> *Menschliches, Allzumenschliches*, vol. 2 of *Kritische Studienausgabe*, ed. Giorgio Colli and Mazzino Montinari (Berlin: Walter de Gruyter, 1967-1988), I. § 187.

<sup>2</sup> *Die schrecklichen Kinder der Neuzeit: über das anti-genealogische Experiment der Moderne* (Frankfurt a. M.: Suhrkamp, 2015), 9.

## INTRODUCTION

### “NOT TRUTH IN HISTORY, BUT HISTORY IN TRUTH”

In this dissertation, I take Theodor Adorno's *Aesthetic Theory* as a point of departure for analyzing the philosophical problem of antinomy as an essentially aesthetic problem in modern German thought and bourgeois society since the late eighteenth century. *Aesthetic Theory*, according to my interpretation, offers on the one hand a diagnosis of the nature of aesthetic form and artistic act, which is entangled in an antinomy under the historically specific conditions of capitalist society. It shows, on the other hand, that the problem of antinomy in modern philosophy reveals its full import only in modality of the aesthetic. This double aspect gives *Aesthetic Theory* a distinctive place in modern tradition of philosophical aesthetics, making it fruitful for grasping the problem of antinomy as it ensnares not only the aesthetic sphere but also any other sphere where a self-related structure claims to give itself its own law. In this context, I introduce and explore four constitutive problems in aesthetics, literature, right, revolutionary politics; namely, the doubled character of art in Adorno's *Aesthetic Theory*, the composition of a literary work in Heinrich von Kleist's *Michael Kohlhaas*, the constitution of the person of rights in Hegel's *Elements of the Philosophy of Right*, and the making of the republic as a modern political form in Marx's *The Eighteenth Brumaire of Louis Bonaparte*.

## I. ARGUMENT AND ORGANIZATION OF THE PRESENT DISSERTATION

I will argue that the autonomous form in bourgeois society faces an antinomic conflict of a performative nature between its formal conditions of self-rule and the real conditions of its possibility. In modern philosophy, antinomy refers to a conflict between two laws, rules, or maxims with the same source of legislation or one between two applications of the same law.

In its more general use, antinomy signifies the equivalence of two conflicted views on one and the same object. In this dissertation, I work out a performative notion of antinomy as a conflict between an act and its conditions of possibility such that both the act and its conditions hold valid on independent grounds. This is best shown in the aesthetic sphere, which also offers the prospect for a resolution to the antinomy.

By autonomous form, I mean the act of organizing oneself according to a formal law of one's own. This is a self-related act, the success of which requires an agent, some sort of content, and the presence of a specific set of conditions. The act is formal in the sense that it is not bound to this or that particular content even though any act does contain something specific. The clearest example among the four cases of autonomous form that I will discuss in the following chapters is given by the Hegelian structure of the person. As a human individual, the person is an embodied subject possessing unique physical and psychological properties; for example, skin color, particular mental abilities, a particular language he or she speaks, and a certain social or familial background. Despite all these properties that differentiate one individual from another, each person is nonetheless formally equal to another person, because both individuals can separate themselves from their particular properties and grasp themselves as an abstract, free 'I.'

There is a certain similarity to this in the aesthetic realm; however, unlike with a person, the agency of the aesthetic act is a source of frustrating controversy. Does the aesthetic object form itself of its own accord, in virtue of a metaphysical force, or is this act a mere illusion reinforced by the observer of the act and the institutions sponsoring the act? I argue in line with Adorno that what is unique about the aesthetic act is not a dogmatic clinging to its autonomy, nor a facile transfer to other spheres, but the aesthetic act's unique awareness of its conditions of success as a self-related autonomous act. When we put an act, a text, an event

in context, our goal is to improve clarity in order to better grasp the matter at hand. Context sheds light on the matter by embracing it like a member within its bond of relations, and thus making it explainable or justifiable. Aesthetic form may be defined as a phenomenon whose very relation to its own context of genesis becomes an issue for it as well as for the observer.<sup>1</sup>

In taking Adorno's *Aesthetic Theory* as its point of departure, the dissertation treats the aesthetic in two ways. In one sense, it holds the aesthetic on an equal footing with the three other spheres—literature, right, politics; in another sense, it examines the aesthetic as a distinctive sphere insofar as the constitutive problems of other spheres most decisively become visible in it. What distinguishes the aesthetic form from other forms of autonomy, I will demonstrate, is the awareness of the aesthetic form of its antinomy, hence its desire to resolve it. The aesthetics offers the modality for articulating non-aesthetic problems. Yet, I do not intend to employ it merely as an explaining term for other spheres. Rather, it is the aim of this dissertation to show that any attempt to resolve the aesthetic antinomy itself requires an engagement with literary, legal-philosophical, and political categories, as stated by *Aesthetic Theory*'s maxim, "All aesthetic categories must be defined both in terms of their relation to the world and in terms of art's repudiation [*lossage*] of that world." (AT: 138/ÄT: 209) The same holds true, as I will argue, for literary, philosophical, and political categories. If these categories—such as structure, agency, organization, lawfulness, relation, parts—aid us in appreciating the constitution of the autonomous work of art, the well-organized poetic text, the self-related person, and the self-determining republic, where each structure is regarded in its own right, this appreciation will not be adequate if not brought to bear on the context

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<sup>1</sup> In my insistence with Adorno on the antinomy of the aesthetic, I argue against taking the conflicts between aesthetic autonomy and other autonomous formal spheres, theoretical or practical, to be false or non-existence. For the latter view, see Andrea Kern and Ruth Sonderegger's "Introduction" to their edited volume *Falsche Gegensätze: Zeitgenössische Positionen zur philosophischen Ästhetik* (Frankfurt a. M.: Suhrkamp, 2002), esp. 7–9.

against which the specific structure forms itself and on the real conditions that underlie that act of self-forming.

The innovative aspect of Adorno's late work on aesthetics, which I regard as a response to the problem of antinomy as he received it from the German-Idealist and neo-Kantian traditions, lies in its unceasing commitment to the two aspects of any formal constitution, namely, its validity and its genesis—hence to the conflicts arising from them. In this regard, while this dissertation intends primarily to contribute to philosophical aesthetics in general and Adorno's aesthetic theory in particular, the way the dissertation poses its questions contains suggestions for tackling problems in literary criticism, the Hegelian political philosophy, and the Marxist theory of modern society.

This dissertation begins in chapter one by exploring Adorno's late thesis that art in bourgeois society must have a double character — as “both autonomous and a fait social” — if it is to fulfill its condition as something made that appears like nature. The thesis derives from the tension between Adorno's two commitments. On the one hand, Adorno's understanding of art's autonomy as imitating natural beauty owes much to certain trends in German Idealist aesthetics. On the other hand, he embraces Marx's view that under a capitalist mode of production, the commodity is the universally necessary form of any product as a product of labor (see C: 951, 953). I analyze the antinomy between these two equally valid aspects of the work of art: the formal law by which it becomes a separate sphere and its own genesis that places it back in the context of capitalist production. The latter robs art of its autonomy while, at the same time, making this autonomy historically possible by granting art the semblance of something self-sufficient: a product of labor that appears to be *sui generis*. Adorno makes this argument by resorting to Marx's analysis of the commodity form. An Idealist account of the autonomy of the artwork is not adequate to describe this antinomy,

and must concern itself both with the real conditions of the rise of this autonomy without giving up its claim to autonomy. I close this chapter by revisiting Adorno's proposed resolution to the antinomy through the categories of the sublime and the ridiculous.<sup>2</sup>

One might ask why I choose to read Adorno's aesthetic theory in tandem with the other texts I chose for this project. The three main works presented here—by Kleist, Hegel, and Marx—roughly mark the beginning and the end of the period in modern European history between the 1789–1792 French Revolution and the 1848–1852 Revolutions in France, Germany, and other countries. As such, this period provides the richest articulations of, in Castoriadis's terms, the project of autonomy in philosophy, politics, aesthetics, and literature.<sup>3</sup> The Idealist aesthetics of autonomy, for my purposes, can be roughly summarized by Karl Philip Moritz's statement on the beautiful as that which is complete in itself, owing nothing to the relations, intentions, and purposes of the real world. Moritz developed his aesthetics of autonomy towards the end of the eighteenth century along with Schiller, Kant, and the early Romantics. As an endpoint of this development, I take Hegel's follower Friedrich Theodor Vischer's aesthetic work in the wake of the former's highly generative aesthetics. I refer here specifically to the first volume of Vischer's *Ästhetik, oder die Wissenschaft des Schönen* (*Aesthetics, or the Science of the Beautiful*, published in 1846), in which he constitutes beauty as the unity of two opposed moments, idea and reality.<sup>4</sup>

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<sup>2</sup> By making this case, we will be able to bring out the significance of what is called, not without a touch of disdain, Adorno's "shift to aesthetics"; See Rudiger Bubner, *Modern Philosophy in German*. Cambridge: Cambridge University Press, 1981, 179–182. It is important to note that there is not such a late or sudden shift in Adorno's thought: indeed he started with aesthetic problems and remained consistently concerned with these questions throughout. Cf. Susan Buck-Morss, *The Origin of Negative Dialectics: Theodor W. Adorno, Walter Benjamin, and the Frankfurt Institute* (New York: FP, 1977), 43–45.

<sup>3</sup> I borrow the expression "project of autonomy" from Cornelius Castoriadis, *World in Fragments: Writings on Politics, Society, Psychoanalysis, and the Imagination*, trans. David Ames Curtis (Stanford: Stanford University Press, 1997), 132, 340. For a discussion of the philosophical presuppositions of Idealist aesthetics, see Leonardo F. Lisi, *Marginal Modernity: The Aesthetics of Dependency from Kierkegaard to Joyce* (New York: Fordham University Press, 2013), 23–56.

<sup>4</sup> Friedrich Theodor Vischer, *Ästhetik, oder Wissenschaft des Schönen. Erster Theil: Die Metaphysik des Schönen* (Reutlingen & Leipzig: Carl Macken, 1846). See esp. §§ 41–69. Kai Hammermeister in *The German Aesthetic*

The post-March period, following the sobering failures of the 1848 republican and socialist revolutions, engendered anti-autonomy projects in German thought: materialist, naturalist, psychologist, and sociological programmata were undertaken by a “skeptical generation” that radically criticized Idealist understandings of knowledge, beauty, the moral act, and revolutionary politics.<sup>5</sup> In a gross simplification, one could describe the common goal of these efforts as a confrontation between the ideals and the real conditions of life—or a conflict between formal structures and their context of genesis, or of speculative knowledge and experience.<sup>6</sup> The poles of autonomy and sociohistorical genesis need not be apportioned exclusively to two separate eras, however. The relation between the two poles had already been problematized by the first half of the nineteenth century, both in political philosophy and in literature, as can be seen, at least, in Kleist’s *Michael Kohlhaas* (1810) and Hegel’s *Elements of the Philosophy of Right* (1821).<sup>7</sup>

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*Tradition* (Cambridge: Cambridge University Press, 2002) seldom mentions Vischer in his account of the development of philosophical aesthetics from its idealist and romantic inception in eighteenth century, which for him was instigated by Baumgarten, Mendelssohn, and Moritz. On the one hand, Peter Bürger in *Zur Kritik der idealistischen Ästhetik* (Frankfurt a. M.: Suhrkamp, 1983), acknowledges the significance of Moritz for the rise of the autonomy aesthetics in German tradition, adding that this figure had been underestimated (by 1983) in the literature (120, see also 120–124, 145–151). And yet, there is no mention of Vischer in his account. On the other hand, in a recent and extensive history of poetics and aesthetics in the German speaking world, Sandra Richer places Vischer’s works in the context of a post-Idealist poetics, at the “Turning Point After Hegel and Beyond.” See *A History of Poetics: German Scholarly Aesthetics and Poetics in International Context, 1770–1960* (Berlin: Walter de Gruyter, 2010), 112–121. For a discussion of Moritz’s place in Idealist aesthetics, see Peter Szondi, *Poetik und Geschichtsphilosophie I: Antike und Moderne in der Ästhetik der Goethezeit, Hegels Lehre von der Dichtung*, ed. Senta Metz and Hans-Hagen Hilderbrandt (Frankfurt a. M.: Suhrkamp, 1974), 82–98. See also Georg Lukács, “Karl Marx und Friedrich Theodor Vischer,” in *Beiträge zur Geschichte der Ästhetik* (Berlin: Aufbau, 1956), and Willi Oelmüller, *Friedrich Theodor Vischer und das Problem der nachhegelischen Ästhetik* (Stuttgart: Kohlhammer, 1952).

<sup>5</sup> See Klaus Christian Köhnke, *The Rise of Neo-Kantianism: German academic philosophy between idealism and positivism*, trans. R. J. Hollingdale (Cambridge: Cambridge University Press, 1991), 67–148. On the rise of *Realpolitik* or the politics of power as a reaction to the liberal-socialist revolutionary politics of the pre-March period, see Gerhard Plumpe and Edward McInnes, eds, *Bürgerlicher Realismus und Gründerzeit 1848–1890*, vol. 6, *Hansers Sozialgeschichte der deutschen Literatur* (Munich: Hanser, 1966), 17–83.

<sup>6</sup> In de Vries’s opening statement in his *Minimal Theologies*, “In the modern age thought increasingly must do without a substantial and fundamentally onto-theological determination of philosophical reason and rationality. No longer can modern thinkers reconcile the concept of theoretical reasons with the idea of an all-encompassing speculation on metaphysical grounds” (3).

<sup>7</sup> For a detailed discussion of the relation between system-building and genesis (in a general historical and philosophical sense and not necessarily in relation to the structure of bourgeois society) in the Idealist period see Yun Sang Kim, *System und Genesis: Zur Theorie des Systematisch-Genetischen in der deutschen Romantik und im deutschen Idealismus* (Paderborn: Schöningh, 2004).

Both works, whose only shared interest seems to be the idea of right, were well aware of the presuppositions of their respective positions on literature, right, personality, and the state. The subject matter of Kleist's novella—the lawsuit over two horses taken away unlawfully from Kohlhaas the sixteenth-century horse dealer—governs the organization of the work with as much force as its counter subject matter: the fantastic theme of prophecies by a gypsy woman, a popular figure in the Romantic literature of Kleist's time. The considering of the relationship between these two seemingly disparate themes has served as a distinct irritation for interpreters of this work. In chapter two I read *Michael Kohlhaas* in terms of the novella's effort to, if not reconcile, at least arbitrate these two conflicted tendencies: forensically pursuing its primary topic, a lawsuit, and moving towards its own lawfulness as a literary work. This reconciliation is necessary in order for the novella to separate itself both from the suggestions of the prevalent juridical discourse and from the dominant literary conventions.

In contrast, Hegel took issue with theories of social contract by accusing them of failing to give a compelling account of the concrete conditions under which modern free individuals claim their natural rights. However, he also criticized the historicist genetic accounts to justify positive rights, most notably advocated by the historical school of law. As the first major modern philosopher to explore the new discipline of political economy, Hegel was at pains to reconcile the dominantly economic life of bourgeois society with the autonomy of the modern individual. In chapter three, I turn to Hegel's systematic and historical constitution of the person in his *Elements of the Philosophy of Rights* (1821) and detect a conflict between the self-governing 'I' and its emergence out of the modern relations of hired labor. I discuss the difficulties in Hegel's resolution to this conflict in terms of his theory of the state. It was Marx's pamphlet, *The Eighteenth Brumaire of Louis Bonaparte* (1852), that revealed the full import of the conflict between an autonomous structure, the French republic, and its real conditions of



possibility — that is, the rule of capital. Chapter four shows how, in Marx's pamphlet, the revolutionary act of proclaiming the republic as a political form claiming to represent all people comes into conflict with that act as it is conditioned in the context of the rise of capital and the attendant rule of one class over all others. Finally, I conclude this dissertation by discussing the political nature of the aesthetic modality and its path in reverse: from Adorno to Marx, through Kleist and Hegel.

## II. THE GENERAL PROBLEMATIC: VALIDITY VERSUS GENESIS

For all the attacks waged against it, from natural sciences and *realpolitik*, among other influences, the development of German thought since the 1848–1852 period has never wholly retreated from its Idealist aspirations. Rather, these attacks generated a problematic that transformed it into one of the central concerns of the neo-Kantian and phenomenological movements during the late nineteenth- and early twentieth century: validity versus genesis. Adorno's thought generally, and his aesthetic theory in particular, inherited the problems of this post-1852 world.<sup>8</sup>

To locate the problematic in Adorno's thought, to which he later on offered an aesthetic response, I propose looking at his early correspondence with a newly found peer Alfred Sohn-Rethel. While in Oxford, Adorno received a letter from Sohn-Rethel in which he outlined an idea for an article he wanted to submit to the *Journal for Social Research* edited by Max

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<sup>8</sup> See Werner Schneiders, *Deutsche Philosophie im 20. Jahrhundert* (Munich: C.H. Beck, 1998), 48–62. On the place of philosophical thought in distinction to natural sciences in the Neo-Kantian movement, see the following essay in a recent collection of works on Neo-Kantianism: Andrea Staiti, "The New-Kantians on the meaning and status of philosophy," in *New Approaches to Neo-Kantianism*, ed. Nicolas de Warren and Andrea Staiti (New York: Cambridge University Press, 2015): 19–38. Cf. Martin Jay, *Dialectical Imagination: A History of the Frankfurt School and the Institute of Social Research, 1923–1950* (Boston: Little, Brown and Company, 1973), 41–85. Of course, Jay's focus is more on the generation of the Young-Hegelians in the pre-March decade. For a thorough and illuminating discussion of the ways in which the Neo-Kantian thought paved the way for the rise of the Frankfurt School Critical Theory, see Andrew Arato, "The Neo-Idealist Defense of Subjectivity," *Telos: Critical Theory of the Contemporary*, no. 21 (Fall 1974): 108–161.

Horkheimer in New York. Adorno was so enthused about the intellectual affinity he found with Sohn-Rethel that he compared it to the famous encounter between Leibniz and Newton regarding their similar yet independent discoveries of differential calculus. He then writes, “I believe not to be exaggerating when I tell you that your letter meant to me the greatest shaking that I have experienced in philosophy since my first encounter with [Walter] Benjamin’s work — and that occurred in the year 1923!”<sup>9</sup> This one occurred in 1936.

Sohn-Rethel places his central insight in the intersection of Idealist epistemology and Marxist view of the relation between theory and praxis, “The historical emergence of *theory* as endowed with logical autonomy and a self-sufficiency vis-à-vis the practical-material being of human beings, that is to say, the historical emergence of ‘knowledge’ in any idealist understanding, in the last instance can only be accounted for out of a peculiar and very deep-seated break in the *praxis* of human [mode of] being.”<sup>10</sup> He aims “to give a materialist explanation [*Erklärung*] of Idealist interpretation of rational thinking.”<sup>11</sup> To do so, he proposes examining the historical process of socialization, aided by the Marxist categories of exchange, exploitation, and the commodity form. In sum, his stated goal is to “critically liquidate the apriorism.”<sup>12</sup> In his response to Sohn-Rethel, Adorno points out their shared problems:

That is, as you know, first of all the whole complex of history and “historicity” of the commodity form; then the problem of mediation between infrastructure

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<sup>9</sup> Adorno to Sohn-Rethel, November 17, 1936, in Theodor W. Adorno and Alfred Sohn-Rethel *Briefwechsel 1936-1968*, ed. Christoph Gödde (Berlin: edition text + kritik: 1991), 32. Though that letter is lost, Sohn-Rethel sent a more detailed exposé of his thesis in a second letter, the first in a series of exposés and ever-developing versions over the decades to come. For Sohn-Rethel’s own summary of the development of his thesis, see Alfred Sohn-Rethel, *Geistige und Körperliche Arbeit: Zur Epistemologie der Abendländischen Geschichte* (Weinheim: VCN, Acta Humaniora, 1989), Preface.

<sup>10</sup> Sohn-Rethel to Theodor W. Adorno, November 3, 1936, *Briefwechsel*, 13.

<sup>11</sup> Alfred, Sohn-Rethel, *Geistige und körperliche Arbeit*, 153, 154.

<sup>12</sup> Alfred Sohn-Rethel, *Warenform und Denkform, mit zwei Anhängen* (Frankfurt a. M.: Suhrkamp, 1978), 90–102. Sohn-Rethel’s project openly differentiates itself from competing genetic accounts of knowledge, “the bourgeois-sociological reduction,” which understands genesis in terms of crude facticity (*krude Faktizität*). *Briefwechsel*, 15. He might have in mind Karl Mannheim’s work published in 1929; *Ideology and Utopia: An Introduction to the Sociology of Knowledge*, trans. Louis Wirth and Edward Shils (San Diego: Harvest, 1936).

and ideology, to which I myself have a suggestion for a solution [Lösungsvorschlag] to offer, and regarding which I am most excited to know whether it coincides with yours; and finally the “overcoming of the antinomy of genesis and validity” [“Überwindung der Antinomie von Genesis und Geltung”] with which my present book essentially deals.<sup>13</sup>

Two weeks later, after he had received a longer exposé of Sohn-Rethel’s work, Adorno again invokes the agreement

of which you may have realized traces in the concept of false synthesis in the jazz work, but which essentially consists in the crossover (= dialectical identification) of Idealism in dialectical materialism; in the knowledge that not truth in history but history is contained in truth [*daß nicht Wahrheit in Geschichte sondern Geschichte in der Wahrheit enthalten ist*].

He eventually sums up their shared program on this high note, “I now believe with certainty what I since long assumed from my effort: that we can *concretely* succeed to explode Idealism [*den Idealismus zu sprengen*]: not through the “abstract” antithesis of praxis (like according to Marx) but out of Idealism’s own antinomic [*die eigene Antinomie des Idealismus*].”<sup>14</sup>

Although he brings up dialectical materialism as if it were a weapon against Idealism, Adorno promptly adds that this is not a matter of discrediting Idealism by contrasting it with “‘abstract’ antithesis of praxis (like according to Marx).” Rather, he is interested in “Idealism’s own antinomic.” I take this to be a statement on Adorno’s lifelong project, in general, and his later aesthetic theory, in particular, which sought to resolve some of the contradictions in Idealist philosophy and aesthetics once they are exposed to the Marxian categories but in such

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<sup>13</sup> Adorno to Sohn-Rethel, Oxford, November 3, 1936, *Briefwechsel*, 10. The book in question is Adorno’s *On the Metacritique of Epistemology* (*Zur Metakritik der Erkenntnistheorie*) that was published in 1956 and translated into English as *Against Epistemology: a Metacritique. Studies in Husserl and the Phenomenological Antinomies*, trans Willis Domingo (London: Polity, 1982).

<sup>14</sup> Adorno to Sohn-Rethel, November 17, 1936, *Briefwechsel*, 32.

a manner as to avoid confronting the abstract antithesis of praxis. Adorno would, of course, modify his view of Marx's own approach, using Marxian categories such as the commodity form and the law of exchange in his later works, but not by way of explaining away Idealism. He differentiates the use of his categories from Sohn-Rethel's, perhaps under the influence of Horkheimer.<sup>15</sup>

Emerging in the framework of the newly constructed discipline of *Erkenntnistheorie* (theory of knowledge), the problematic of validity versus genesis primarily revisits the Kantian relationship between *a priori* knowledge as exclusively claimed by philosophy, and its conditions of possibility. The claim is that knowledge “though genetically it cannot be *gained* without experience, can nonetheless be grounded [or justified] in its validity without recourse to experience.”<sup>16</sup> Or in Husserl's words, “All knowledge ‘begins with experience,’ but it does not therefore ‘arise’ from experience.”<sup>17</sup> To take an example from pure logic as the primary site of the debate: A, B, C are judgments based on observation, experiment, and induction, such that if A is the case, then B is true, and if B is the case, then C is true. Now, if we conclude that if A is true, then C must also be true, we have a logical law. This logical law is not of the same nature as the natural or factual laws underpinning the three judgments of A, B, and C. For Husserl, a natural law is established “by induction from the singular facts of experience.” Logical laws, in contrast, have “a priori validity,” because “they are established, not by

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<sup>15</sup> Max Horkheimer rejected Sohn-Rethel's proposal for article. His reasons are given in a letter to Adorno where he sharply criticizes the former's crude, ahistorical, and indeed abstract deployment of Marxian categories. In Horkheimer's eyes, Sohn-Rethel used Marx only to exemplify his own conception of “concreteness” “as radically as possible,” whereas he could have equally well resorted to biology, psychology for his genetic debunking of Idealism. See Horkheimer to Adorno, December, 8, 1936, qtd. in *Briefwechsel*, 41. For a discussion of the ambivalence or the “dual quality” in Adorno's engagement with Marx and Marxist critique of metaphysics, see Hent de Vries, *Minimal Theologies: Critiques of Pure Reason in Adorno and Levinas* (Baltimore, MD: The Johns Hopkins University Press, 2005), 261–271.

<sup>16</sup> Gottfried Gabriel, *Erkenntnis* (Boston: Walter de Gruyter, 2015), 15. Cf. also Mikel Dufrenne, *The Notion of the A Priori*, trans. Edward S. Casey (Evanston, IL: Northwestern University Press, 1966), 4.

<sup>17</sup> Edmund Husserl, *Logical Investigations*, vol. 1, book 1, trans. J. N. Findlay (London: Routledge & Kegan Paul, 1970), § 24, 109.

induction, but by apodeictic inner evidence.”<sup>18</sup> The task of philosophy is then to justify this independent validity of the laws of thinking on its own terms.

Adorno’s position on the problematic can be found sketched in the context of the 1960s debate on positivism in German sociology in this passage: “In the realm of so-called constitutional problems [*Konstitutionsprobleme*] they are inseparably united, no matter how much this may be repugnant to discursive logic.”<sup>19</sup> The problem of constitution inquires under what conditions a structure emerges that claims to be self-related and justifiable on its own terms alone. In tackling this question, Adorno chose Husserl as his main interlocutor in logic and epistemology, while in aesthetics he took issues with Wilhelm Dilthey who undertook a similar constitution of aesthetics and poetics, which I will touch on in chapter one.<sup>20</sup>

For all the enthusiasm that Adorno shows in his letter, quoted above, for his new friend’s project, there is an essential difference between Adorno and Sohn-Rethel when it comes to resolving the “antinomy of validity and genesis.” Sohn-Rethel seems certain of a positive way to “solve” the tension, if any, between the autonomy of theories and their origin in social

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<sup>18</sup> Husserl, § 21, 99. On validity and genesis, or validity and existence, which first was introduced by Hermann Lotze, see the latter’s work, *Logic in three books: Of Thought, of Investigation, and of Knowledge*, trans. Bernard Bosanquet (Oxford: Clarendon, 1884), 437–445. This distinction in other terms is one between the context of discovery and the context of justification of the subject matter as proposed by Hans Reichenbach in his book *Experience and Prediction: An Analysis of the Foundations and the Structure of Knowledge* (Chicago: University of Chicago Press, 1938), 6–7. See also Gabriel, *Erkenntnis*, 2–26.

<sup>19</sup> Adorno’s introduction to *The Positivist Dispute in German Sociology*, trans. Glyn Adey and David Frisby (London: Heinemann, 1976), 22; see also 6; “Einleitung zum ‘Positivismusstreit in der deutschen Soziologie,’” GS 8: 304. For further discussion on the problematic in Adorno, see Jürgen Habermas, *The Philosophical Discourse of Modernity: Twelve Lectures*, trans. Frederick G. Lawrence (Cambridge, MA: MIT, 1996), 129–130, 323–324. The recent Anglo-Saxon scholarship on Adorno has paid attention to the problematic of validity in relation to genesis via his Husserl- and Kant-interpretation, though not in the context of his aesthetic theory. See Brian O’Conner, *Adorno’s Negative Dialectic: Philosophy and the Possibility of Critical Rationality* (Cambridge, MA: MIT, 2004), 127–148; Peter Gordon, *Adorno and Existence* (Cambridge, MA: Harvard University Press, 2016), 58–70; Roger Foster, *Adorno: the Recovery of Experience* (Albany: State University of New York Press, 2007), 89–112. For an earlier account of the Neo-Kantians along with a concise note about their influence on Adorno, see Gillian Rose, *Hegel contra Sociology*, (London: Verso, 2009 [1981]), 1–23, 29.

<sup>20</sup> See Wilhelm Dilthey, *Poetry and Experience*, trans. Rudolf A. Makkreel, and Frithjof Rodi (Princeton, N.J.: Princeton University Press, 1985), esp. the essays, “The Imagination of the Poet: Elements for a Poetics” (1887), 29–174, and “The Three Epochs of Modern Aesthetics and Its Present Task” (1892), trans. Michael Neville, 175–221.

practice. The key position in Adorno's letter of response relates to his view that "not truth is in history, but history is contained in truth," which is the result of what he calls "the crossover of Idealism in dialectical materialism."<sup>21</sup> The point is not, that is, to deploy the Marxian theory of modes of production as, to take Derrida's term, a "genetic technique," opposed to the "structural techniques" of idealists, in order to tear apart the validity of a philosophical problem or a claim to truth as the justification for a self-contained act according to the terms set by itself.<sup>22</sup> It is rather to answer the question of why certain persistent problems emerge and assume forms of autonomy. Instead of dispelling the forms, Adorno asks what the historical experience contained in their claim to truth is, apart from their conditions of arising.<sup>23</sup> This question is fundamentally different from the attempt to relativize truth by reducing it to its context. On the contrary, the context produces conflict instead of clarity, but this conflict is productive, it tells us something about the truth of the matter, which demands patiently taking the narrow path of the antithetic. For Adorno, unlike for Sohn-Rethel, the relation of Idealism and Marxism remained antinomic. This becomes the case clearly in Adorno's writings on aesthetics. While in both spheres, logic and aesthetics, the inseparability of genesis and validity offers a key to Adorno's position, there is a shift in emphasis from genesis to validity in the aesthetic context. Thus, in *Aesthetic Theory* he writes:

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<sup>21</sup> Compare the 1930 and 1936 statements with the largely identical formulations from Adorno's revisiting of Husserl in *Against Epistemology*, 135; GS 5, 141. Cf. also, "[G]enesis dwells in the heart of validity . . . , the truth is not present in history, but history in the truth." *Kant's Critique of Pure Reason* (1959), trans. Rodney Livingstone (Cambridge: Polity, 2001), 166.

<sup>22</sup> Jacques Derrida, *Writing and Difference*, trans. Alan Bass (Chicago: University of Chicago Press, 1978), 159. Written only a few years after Adorno's death (September, 11, 1969), this text offer formulations of the relation between genesis and structure in Husserl that bear striking resemblances to Adorno's reading of Husserl, though perhaps not in its solutions (Cf., e.g. 154–169, 167). For a detailed discussion of the problematic, see Paola Marrati, *Genesis and Trace: Derrida Reading Husserl and Heidegger* (Stanford: Stanford University Press, 2005). See esp. 3–8 for the articulation of the problematic of thinking "both the autonomy of sense and truth *and* their birth in time."

<sup>23</sup> In his 1930 inaugural speech, Adorno had held that "The truth-content of a problem is, principally, different from the historical and psychological conditions out of which it grows" ("Die Wahrheitsgehalt eines Problems ist von den historischen und psychologischen Bedingungen, aus welchen es erwächst, prinzipiell, verschieden") GS 1: 337.

In art the difference between the thing made and its genesis—the making—is emphatic: Artworks are something made that has become more than something simply made. . . . The confounding of artworks with their genesis, as if genesis provided the universal code for what has become, is the source of the alienness of art scholarship to art: for artworks obey their law of form by consuming [*Verzehren*] their genesis. (AT: 179/ÄT: 267)

The distinguishing mark of the aesthetic act with regard to other autonomous forms when it comes to the problematic of genesis and validity relates, in my view, to the former's capacity for becoming aware of a conflict with its own genesis and its attempt to do something about it—in Adorno's figurative expression, to consume its own genesis. A consummation of its own genesis, successfully or not, bears testimony to the presence of a tension between the act and the historical, genetic conditions of its success. As I will argue at length, the truth of autonomous artwork hinges for Adorno on this testimony. In this respect, *Aesthetic Theory* rests on this fundamental premise: "The *a priori* aspect of the artistic act and the state of history no longer are attuned to one another [*stimmen nicht mehr zusammen*], which is not to say that they ever harmonized. This incongruity is not to be eliminated by adaptation: The truth, rather, is in enduring their conflict" (translation modified; AT: 59/ÄT: 94).<sup>24</sup> To grasp this incongruity, which betrays the philosophy of history underlying the *Aesthetic Theory*, an engagement with the Marxist dimensions of Adorno's thought is essential. Just as we saw in his response to Sohn-Rethel, here too the deployment of Marxian categories by Adorno is not to explain away the aesthetic act by subsuming it under objective structures and modes of production.<sup>25</sup>

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<sup>24</sup> "Das Apriori des künstlerischen Ansatzes schlechthin und der Stand der Geschichte stimmen nicht mehr zusammen, wenn anders sie je harmonierten; und diese Inkonzinnität ist nicht durch Anpassung zu beseitigen: Wahrheit vielmehr, sie auszutragen."

<sup>25</sup> For an instance of the Marxist account of the artwork in a non-antinomic way, see Hans Heinz Holz, *Vom Kunstwerk zur Ware: Studien zur Funktion des ästhetischen Gegenstands im Spätkapitalismus* (Berlin: Luchterhand, 1972). For a critique of this account, again in a non-antinomic way, see Hannelore Schlaffer, "Kritik eines Klischees: 'Das Kunstwerk als Ware,'" in *Erweiterung der materialistischen Literaturtheorie durch Bestimmung ihrer Grenzen*.

A decade before *Aesthetic Theory*, Adorno had used the same verb “austragen” (endure) as in the passage quoted above. In a lecture, he argues that the autonomous artwork has to “receive and absorb in itself the contradictions between its own real and formal conditions, to endure this contradictoriness,” and thereby “perhaps arbitrating [*schlichten*] it in its image (Ä58: 165). The formal, *a priori* condition of the aesthetic act, as I understand it in this dissertation, precisely refers to the capacity of the act for separating itself from the real conditions of its emergence in a manner similar to pure logical laws. Unlike these laws, however, the act does not lose sight of the claims of that genesis, that is, of its own relationship with that which remains external to it, otherwise it would “render empty its *a priori*” (AT: 128/ÄT: 209). When Adorno writes that “The autonomous law of form of works protests against logicity even though logicity itself defines form as a principle” (ibid.), what he means to say may be understood in terms of the formal sensitivity of the aesthetic act to that which logical laws tend to pass in silence: the fact of having come to be.<sup>26</sup>

Even though Adorno too promises a “suggestion for a solution” to the antinomy in his letter, it is nowhere to be found in his works until the late 1960s. The prospect for a solution,

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Literaturwissenschaft und Sozialwissenschaften 4, ed. Heinz Schlaffer (Stuttgart: J. B. Metzler, 1974). For an important attempt in the context of Marxist thought to think together the genesis of literary works and their internal, “significant structure,” see Lucien Goldmann, *Essays on Method in the Sociology of Literature*, trans. William Q. Boelhower (St. Louis, MO: Telos Press, 1980), see esp. 75.

<sup>26</sup> Adorno’s emphasis on the validity of the aesthetic law of form (relative to his stressing on the genesis of logical laws) have led some readers of his *Aesthetic Theory* to ascribe an absolute notion of autonomy to it. Peter Bürger’s study of the autonomy of art in bourgeois society in his *Theory of the Avant-garde* (Minneapolis: University of Minnesota Press, 1984) contains important methodological insights regarding the validity of art’s formal separation and its historical genesis. What I find problematic in his account, however, is that he overlooks the antinomic relation of the two aspects of art in Adorno (see 10, 35–55), and thus taking Adorno’s view of art’s autonomy as absolute. See Bürger, *Zur Kritik der idealistischen Ästhetik*, 88. A recent collection of essays on *Aesthetic and Artistic Autonomy*, edited by Owen Hulatt (London: Bloomsbury, 2013), which focus on Adorno’s aesthetic writings, deals with the antinomy of aesthetics form only in one essay where the whole matrix of “autonomizing ‘thesis’ . . . heteronomizing ‘antithesis’” is held to be mythical residue of idealist “discussions around mental life and moral agency.” Casey Haskins, “The Myth of Autonomy Fault Line in Aesthetics,” in *Aesthetic and Artistic Autonomy*, ed. Owen Hulatt (London: Bloomsbury, 2013), 127, 126.



in my view, lies in his aesthetic theory, in the perspective that it affords on the formal-structural relation between an autonomous act and its real conditions as it was first posed via pure logic.

I introduce aesthetic antinomy in this dissertation as a means for working out Adorno's notion of art's double character, and further to orient my reading of the texts by Kleist, Hegel, and Marx. This term is not intended to impart an exceptional status to the aesthetic; it purports rather to emphasize, firstly, that the antinomy problem most fruitfully manifests itself in the modality of the aesthetics, and, secondly, that the aesthetic autonomous form itself faces an antinomy that has to be settled. While the first point helps explain, in the framework of philosophical aesthetics, the structural problems of form in the three spheres of literature, right, and revolutionary politics, the latter point confirms the need for going beyond the aesthetic sphere in order to find ways for resolving its antinomy. I conclude this introduction by clarifying aesthetic antinomy as the special problematic of the present work.

### III. THE SPECIAL PROBLEMATIC: WHAT IS AN AESTHETIC ANTINOMY?

Three types of antinomy can be discerned in modern philosophy: transcendental antinomy in Kant; strict antinomy, or paradox, in logic; and what is known as performative contradiction. I begin with the second type of antinomy.<sup>27</sup>

*Strict antinomy:* A contradiction arises when we have A and non-A. In a strict antinomy or paradox, by contrast, we encounter "the equivalence of two statements of which one is the negation of the other," where the two sides of the contradiction are "reciprocally *negating* and at once *implicating* each other."<sup>28</sup> So, we have  $A \leftrightarrow \neg A$ . This means that a proposition and its

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<sup>27</sup> The origin of the term antinomy, prior to gaining philosophical currency during the late eighteenth century in the hands of Kant, is usually taken to reside in jurisprudence since the sixteenth century: "The contradiction of a law in itself, the contradiction within one law or between two compellingly valid laws." *Deutsches Fremdwörterbuch*, vol. 2, s.v. "Antinomie," ed. Hans Schulz et al (Berlin: Walter de Gruyter, 1974ff).

<sup>28</sup> Thomas Kesselring, *Die Produktivität der Antinomie: Hegels Dialektik im Lichte der genetischen Erkenntnistheorie und der formalen Logik* (Frankfurt a. M.: Suhrkamp, 1984), 98.

negation lead to, rather than simply negate, one another. The famous example of this is the Paradox of the Liar simplified thus: “This sentence is not true.” This sentence is true only if it is not true, and if the sentence is not true it is true. Knoll proposes the following expression for strict antinomy:  $(A + \neg A) \wedge (A \leftrightarrow \neg A)$ . This is to indicate that in an antinomy we have the conjunction of two relations. On the one hand, there is the relation of simple contradiction and, on the other, that of implication between the contradictory terms. While we face a contradiction between two terms, we see at the same time a back-and-forth movement between the two, such that both the contradiction and the reciprocity coexist. The result is a negative self-referentiality.<sup>29</sup> Such a view of antinomy applies to art only if it can be demonstrated that there is indeed a logical contradiction involved in its formulation. But the contradiction between the two aspects of art—autonomy and social facticity—is not as immediately clear. Moreover, strict antinomy tells us nothing about the conditions that are inherent to the antinomic proposition and thus responsible for generating it.

*Transcendental antinomy:* First articulated by Kant, transcendental antinomy regards the extent to which the fundamental tendencies or laws of reason come into conflict with one another in the act of cognition: on the one hand, everything is conditioned under the *a priori* forms of time and place and categories of pure understanding; on the other hand, there is a presupposition that everything is unconditioned. Reason’s architectonic tendency “demands the absolute totality of conditions for a given conditioned thing, and this can be reached only in things in themselves.”<sup>30</sup> The thetic system of all conditions must also include the unconditioned, for otherwise it would not be absolute, but itself conditioned by another condition not included in the system. There is, however, another tendency in reason that

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<sup>29</sup> Heiko Knoll, “Dialektik und Widerspruch: Erläuterungen zur strikten Antinomie,” in Stefan Müller, ed., *Probleme der Dialektik Heute* (Wiesbaden: VS, 2009), 24.

<sup>30</sup> Kant, *Critique of Practical Reason*, 113. Cf. also Kant, *Critique of Pure Reason*, B449.

counters this. In Kant's language, the "propositions of the antithesis are of a kind that they do render the completion of an edifice of cognitions entirely impossible."<sup>31</sup> The antithetical statements of reason negate the closure of the thetic system set up by reason; they argue that the system is itself part of an ever larger causal relationship in which it is impossible to find an ultimate, uncaused point of origin.

If we translate the thetic tendency of reason into the discourse on art's autonomy, we can assert that the artwork is an closed object with an unprovoked source of causality within it organizing all elements according to an internal principle.<sup>32</sup> However, the antithetic tendency asserts the opposite. Namely, the artwork is the product of preexisting and preformed materials, whose principle of organization derives from the intentions of the maker, the norms, purposes, and functions of making, and all that within an institutional framework baptizes the product as "art."<sup>33</sup> Kant solves the antinomies of pure reason by drawing his distinction between the appearance of the thing and the thing in itself. The forms and concepts of our two stems of knowledge, sensibility and understanding, help us know how appearing things are conditioned. They are however useless for knowing whether or how things are conditioned in general and in themselves. However, the problem is that what the artwork is in itself only shows itself in how it appears.<sup>34</sup> Since the relationship of the autonomous art with its own

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<sup>31</sup> Kant, *Critique of Pure Reason*, A474. For further discussion, see Eckart Förster, *The Twenty-Five Years of Philosophy: A Systematic Reconstruction*, trans. Brady Bowman (Cambridge, MA: Harvard University Press, 2012), 32–38.

<sup>32</sup> A most eloquent case of this notion of autonomy in artwork can be found in Wellbery's interpretations of Goethe's poems. See David E. Wellbery, *The Specular Moment: Goethe's Early Lyric and the Beginnings of Romanticism* (Stanford, Calif.: Stanford University Press, 1996). See e.g. 22–24.

<sup>33</sup> There is no shortage of anti-autonomous statements on art in contemporary scholarship, especially since the Second War. As Helmut Kuhn succinctly puts it in the middle of the past century with regard to the genetic theories of art (institutional, psychological, sociological, anthropological, and recently neuroscientific), "Art has become an institution, and it may appear more or less redundant further to ask what it additionally is in truth." "Die Ontogenese der Kunst," in *Theorien der Kunst*, ed. Dieter Henrich, 81. Cf. *Aesthetic Illusion: Theoretical and Historical Approaches*, ed. Frederick Burwick and Walter Pape (Berlin: Walter de Gruyter, 1990).

<sup>34</sup> Art's "appearance is that of essence and not an appearance for-another but rather art's immanent determination" (AT 109; cf. 99). Its being-in-itself and being-for-us are indiscernibly intertwined Georg Lukács, *Ästhetik III* (Berlin: Luchterhand, 1962), 46.

conditions becomes an issue for that art, we must widen our concept of antinomy to include this relationship.

*Performative antinomy:* To define this type of antinomy, we should first consider a performative contradiction. Here, the truth of a proposition or the felicity of a speech act disappears once confronted with the real conditions of its possibility, which contradict the validity of the utterance. “I am dead,” for example, is a case in point: a dead person cannot speak, even though the sentence itself has a valid structure and could have truth-value if it were “He is dead.” A performative antinomy offers a more complex situation. A successful performative utterance, according to Austin, requires several conditions to be in place: An accepted conventional procedure must exist, the appropriate persons must invoke the procedure, all participants must perform the procedure correctly and completely, there must be the relevant intention to do so, and finally, they “must actually so conduct themselves subsequently.” While the absence of any of the first four conditions would result in a “misfire,” that is, an unsuccessful or infelicitous performative, the absence of any of the last two would lead to an abuse of the act that nonetheless *is* achieved.<sup>35</sup>

On this basis, a performative antinomy arises when an utterance or proclamation comes into conflict with the conditions of its possibility; yet it is not clear if it thus becomes a misfire or an abuse. The act somehow preserves its validity despite being negated by its conditions. Performative antinomy becomes aesthetic when form is not indifferent to its conflict, but it strives to resolve itself by reflecting on and participating in those conditions. Because this act stands in relation to the context from which it has declared its independence, the aesthetic antinomy that arises from it takes on an essentially historical nature. The form’s “other” is the

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<sup>35</sup> See Austin, *How to Do Things with Words*, ed. J. O. Urmson and Marina Sbisa, 2nd ed. (Cambridge, MA: Harvard University Press, 1962), 14–15, and 16. I return to these conditions in chapter four.

commodity condition of modern bourgeois society, and it is in relation to this hostile condition that the aesthetic form appears.

Pippin believes that the “basic antinomy of Adorno’s aesthetics,” on the one hand, regards artworks as “connected to and potentially in a critical relation to the sociohistorical reality of the age and, on the other hand . . . [is] something like the formal purity of the modern aesthetic as such, autonomous and self-defining” and is no antinomy at all. According to him:

The antinomy itself is based on a premise about the separability of sensible and intellectual faculties that came under severe and sustained attack after Kant, above all in Hegel. . . . modernist art has largely (but, of course, not completely) de-aestheticized the primary relation to the artwork, . . . diminished the importance of the notion of some isolated aesthetic experience as such, heightened the interpretive and so philosophical dimension of understanding artworks, and so allowed a distinctly act-centered sort of intelligibility (the artworks as interpretable act or gesture, not occasion for a purely aesthetic response).<sup>36</sup>

These conditions for a successful aesthetic act, as noted above, go beyond the framework of the particular work, the perceptivity of the observer, or even the institutions of art generally, though reaction to them finds expression only in the work itself. Granted that, according to Pippin, the modern subject is capable of effectively uniting the sensible and intellectual aspects of the artwork, they might equally well come up with a false synthesis of those aspects within the work precisely by failing to pay attention to, or not reaching a sufficiently abstract level of the demands of a successful aesthetic act. After all, Pippin himself shows little interest in addressing those demands that stem from the structural aspects of capitalist society. These aspects find their way into the objective constitution of works of art, generating conflicts with

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<sup>36</sup> Robert B. Pippin, *After the Beautiful: Hegel and the Philosophy of Pictorial Modernism* (Chicago: Chicago University Press, 2013), 67–68.

the claims of the work that no amount of philosophical reflection can settle if this reflection fails to heed the way the work itself tries to resolve them. The only remaining “philosophical” way to settle these conflicts would be to deny the aesthetic quality of the artwork by declaring it “de-aestheticized.” Even if accept that the primary relation to art has become so, Adorno warns that “the deaestheticization of art *is immanent to art* — whether it be art that unflinchingly pursues its autonomous order or art that sells itself off cheap” (my emphasis; AT: 59/ÄT: 94)<sup>37</sup> — and thus facing the same set of thorny problems that emphatically aestheticized works and their experience by modern subjects are bound to face

Pippin seems to suggest that the artwork is not separated from its context, but is entirely part of the “sociohistorical world of the age” thanks to the possibility of intelligibility, or of “giving accounts,” that the ethical institutions of modernity have provided.<sup>38</sup> In this respect, Pippin’s position owes much to the aesthetic tradition, from Dilthey all the way through Northrop Frye, for which the self-contained structure of the artwork and its cultural context stand in a relationship of resemblance, conformity, and mutual understanding, but not one of opposition.<sup>39</sup> In any case, the dialectical battlefield opened up by antinomies, where, as Kant

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<sup>37</sup> “Denn wahr ist nur, was nicht in diese Welt paßt. Das Apriori des künstlerischen Ansatzes schlechthin und der Stand der Geschichte stimmen nicht mehr zusammen, wenn anders sie je harmonierten; und diese Inkonzinnität ist nicht durch Anpassung zu beseitigen: Wahrheit vielmehr, sie auszutragen.”

<sup>38</sup> See Robert B. Pippin, *Hegel’s Practical Philosophy: Rational Agency as Ethical Life* (Cambridge: Cambridge University Press, 2007), 11, 53, 114, 241–242.

<sup>39</sup> Northrop Frye’s programmatic statement on literary criticism can be found here, “Literary Criticism,” in *The Aims and Methods of Scholarship in Modern Languages and Literatures*, ed. James Thorpe (Published by Modern Language Association of America, 1963): 57–69, 68. In this respect, Jameson’s and Menke’s early efforts in the 1970s and 1980s to acknowledge and resolve the contradictions of modern autonomous art show a higher degree of fidelity to both the idea of art in modern society and to the complexity of modern subjectivity. See Fredric Jameson, *The Political Unconscious: Narrative as Socially Symbolic Act* (New York: Cornell University Press, 1982); Christoph Menke, *Die Souveränität der Kunst: Ästhetische Erfahrung nach Adorno und Derrida* (Frankfurt a. M.: Suhrkamp, 1991); *The Sovereignty of Art: Aesthetic Negativity in Adorno and Derrida* (Cambridge, MA: MIT: 1998). For a discussion about the relation between formalism and contextualism in literary and historiographical studies, and the four modalities of this relation (metaphor, metonymy, synecdoche, and irony), see Hayden White, “Formalist and Contextualist Strategies in Historical Representation,” in *Figurative Realism* (Baltimore: Johns Hopkins University Press, 1999), in particular, 53–54. We can interpret Adorno’s view of the antinomy of autonomous art in ironic modality, that is, a relation of opposition. For White, however, each of the modalities can equally be plausible in reading literary works, a view certainly not held by Adorno, perhaps only as a tactical device within the general strategy of irony.

put it, “each party keeps the upper hand as long as it is allowed to attack,” testifies to the extent to which even the disinterested matters of taste presuppose key political positions on how things are and should be in the work, not to mention in the world; after all, to have “taste” is socially interesting.<sup>40</sup>

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<sup>40</sup> Kant, *Critique of Pure Reason*, A 422; for Kant’s remark on taste in society, see *Critique of the Power of Judgment* trans. Paul Guyer and E. Matthews (Cambridge: Cambridge University Press, 2000), 5:205 footnote.

## CHAPTER ONE

### ADORNO'S LATE THESIS: AUTONOMOUS FORM IS ANTINOMIC

Chapter Overview:

§ 1 Problematic. Art's Double Character as Antinomy

§ 2 Analytic of the Autonomous: Form as Separation

§ 3 Analytic of the Social: Form as Repetition

§ 4 Dialectic. The Sublime and the Ridiculous: Form as Participation

“Tout est difficile. Comment faire quelque chose  
de complet, de serré et de coulant?”

Eugène Delacroix, October 1820

#### § 1 PROBLEMATIC. ART'S DOUBLE CHARACTER AS ANTINOMY

##### 1.1 The Opus and the Apparatus

Already in the mid-eighteenth century the idea or consciousness of the double character of art, the core thesis in Adorno's *Aesthetic Theory* and the object of investigation in the present chapter, was prefigured, at least in one case. In the opening chapters of *The Life & Opinions of Tristram Shandy* (the first volume of which was published in 1759), as the author speaks of the path he would want to take in narrating his life from the very beginning, even before his conception, he makes two points about his book, one of them a prediction and the other a claim. First, his book will “prove the very thing which Montaigne dreaded his essays should turn out, that is, a book for a parlour-window,” and, second, “in writing what I have set about, I shall confine myself neither to his [Horace] rules, nor to any man's rules that ever lived.”<sup>1</sup>

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<sup>1</sup> Laurence Sterne, *The Life & Opinions of Tristram Shandy*, ed. Graham Petrie (London: Penguin, 1967), 38. Shandy claims to violate the rule recommended by Horace according to which an epic poem or tragedy should begin in the middle of things, *in res medias*, not *ab ovo* “from the egg,” that is, from the beginning, in this case, from the



The novel claims to be free of any literary rule that ever existed by showing awareness of the possibility of breaking with rules, striving to present something entirely new that is to “make some noise in the world.” The novel knows, on the other hand, that it is destined to become a bound pile of papers sitting in the parlor-window of a bookstore or a well-off family's living room, turning into a cultural good from the world of literature. So, it is equally well aware of the social functions it may be expected to serve. The difficulty that Tristram faces here is that he wants both to constitute a novel literary narrative and be free of the received literary rules constituting the existing world of literature, yet, to do so, he cannot step outside of that world.

The predicament in Tristram's claim, if taken at his words, is most explicitly voiced in the tautological statement by Bertolt Brecht, the German modernist playwright and poet of about two centuries later, with respect to his eccentric opera *Rise and Fall of the City of Mahagonny*, “An opera one can make only for the opera.”<sup>2</sup> Opera's double character is revealed in the double meaning of the same word in the statement: in the first position, “opera” refers to a particular work such as *Mahagonny*, whereas the second, with its firm definite article, *the* or *die*, refers to the whole system of opera that consists of works, the army of laborers on and behind the stage, from the accessory agents and sound engineers to composers, as well as the commissioners, the buildings, the librettos, the reviews, and the audience. Despite all the noise

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moment of his birth. (See Graham Petrie's “Notes,” in *Tristram Shandy*, 616). It can probably be shown what possible rules the novel immanently follows in its transition from each station to the other in the course of its plot, and why, instead of a central idea organizing all moments, it is the movement of digressions triggered by each one moment that bring about the other. After all, he makes it clear that in his narrative about his birth, “I find it necessary to consult everyone a little bit in his turn’ and therefore must beg pardon for going on a little further in the same way.”

<sup>2</sup> “[E]ine Oper kann man nur für die Oper machen.” Bertolt Brecht, “Anmerkungen zur Oper ‘Aufstieg und Fall der Stadt Mahagonny,’” in *Stücke 3* (Frankfurt a. M.: Suhrkamp, 1962), 262–263. Or in the following translation, “An opera can only be composed for the opera.” Bertolt Brecht, *Rise and Fall of the City of Mahagonny*, trans. Steve Giles, (Methuen Drama: 2007), 65.

that Brecht's *Mahagonny* made in the world of German theater, politics, and letters,<sup>3</sup> the artist himself had no illusion that his work was to become part of what he calls the *Apparat* of opera-making. In virtue of its double meaning, the statement could secretly allude to the work's autonomous status, too: an opera is to be composed only for the sake of the particular opera itself, not for the apparatus of opera-making.

Once made, Brecht goes on to claim, an opera would become subject to “the universal laws of a commodity,”<sup>4</sup> for today the apparatus or “the means of production do not belong to the producers.” To the extent that opera-making is an apparatus of social production generally, the apparatus is “determined by the existing society, absorbing only that which would keep the apparatus within this society.”<sup>5</sup> Brecht ascribes a social character, not an aesthetic one, to the apparatus of opera-making. The products of this apparatus, in Marx’s words, are always-already conditioned as commodity because under the capitalist mode of production, commodity is the universally necessary form of any product as product of wage labor (See C 951, 953). In virtue of the commodity condition, society, in its turn, “absorbs through the apparatus [of art] what it needs in order to reproduce itself. And only the kind of ‘novelty’ can assert itself which leads to the renewal, but not the transformation of the existing society – whether this form of society is good or bad.” Highly complex are the ways in which the products of the opera-making apparatus contribute to the reproduction of existing society, including through the ideological formations of the content and the “message” of operas. But, even when particular operas are subversive in their content and radically innovative in their

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<sup>3</sup> See Steve Giles’s detailed report on the immediate reception of the premieres of Brecht’s and Kurt Weill’s work in Leipzig (1930) and Berlin (1931), based on the diverse, conflicting reviews it received. Among them were the young Adorno’s “Mahagonny” in the journal *Der Scheinwerfer* (GS 17: 114–122) and an extremely hostile, racist review published anonymously in the journal *Nationalsozialistische Monatshefte. Wissenschaftliche Zeitschrift der N.S.D.A.P* (Adolf Hitler was the publisher and Alfred Rosenberg the editor or, as the term was then coined, “Schriftleiter” the writing-manager). See *Rise and Fall*, 101–136.

<sup>4</sup> Brecht, *Stücke* 3, 262.

<sup>5</sup> Brecht, 261.

form, they conform to society in virtue of their belonging to the essentially social apparatus of opera-making. In this way, each opera becomes recognizable, to the audience and those indifferent to theater and music, as an opera insofar as each particular opera is at the same time a commodity.

On this last note, Brecht concludes in a satirical key with regards to the relation of art and society as mediated by the apparatus, “It is not as if you can dream up an opera like a sea-monster in a Böcklin painting and then put it on show in an aquarium after seizing power; and it would be even more ridiculous to try and smuggle it into our good old zoo!”<sup>6</sup> However unprecedented an opera may be, even after the proletarian revolution, it cannot be put anywhere but where it belongs: in the theater house. Yet, the existing apparatus of opera will not accept such an unseen animal, for the audience will not recognize it as such. This insight did not prevent Brecht, however, from asserting the right of his own operatic work and finding solutions to endow his work with innovations (*Neuerungen*), thereby making it something more than a “culinary opera” for mere pleasure. The lesson of Brecht’s reflection on the identity of his own artistic work is not simply a disillusioned, wholesale denunciation of art in bourgeois society; he is not a cynic who, in Oscar Wilde’s definition, only knows the “price of everything and the value of nothing.” The lesson is that art has to look into the eyes of this inevitable negativity of its own existence, namely, that though it can and must be autonomous and innovative, it is nonetheless a product of that from which it tries to keep its distance.<sup>7</sup>

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<sup>6</sup> Brecht, *Rise and fall*, 65; *Stücke 3*, 263.

<sup>7</sup> Agamben, in his short programmatic essay, “What is an Apparatus?” addresses an essentially similar question by offering a reading of Foucault’s notion of “dispositif” through Hegel. See Giorgio Agamben, *What is an Apparatus and Other Essays*, trans. David Kishik and Stefan Pedatella (Stanford: Stanford University Press, 2009), 1–24.

## 1.2 The Thesis of Art's Double Character

The fundamental dissatisfaction of the opus with the apparatus, of the individual work of literature with its context of genesis both as production and reception, in Sterne and Brecht marks what Adorno decades later calls the double character of art in modern bourgeois society. According to his most concise definition, art is “both autonomous and *fait social*.” (AT: 5/ÄT: 16; see also AT: 229/ÄT: 340). The two positions on the autonomy and social facticity of the work of art give rise to an antinomic conflict to which none of the theretofore offered theoretical resolutions gave a satisfactory answer in Adorno's eyes. The thesis of art's double character underwent some transformations in Adorno's thought over many years. Adorno never uses the expression in that particular form in any of his writings before 1960s. Traces and prefiguration of the thesis of art's double character are to be found in his prime years' writings, as early as his 1920 short piece on Expressionism;<sup>1</sup> it was, however, since the late 1950s that Adorno took steps towards a concrete articulation of the thesis, pursuing its antinomic consequences. So far as its genesis of this core thesis goes, one could consider his 1958-59 lectures on aesthetics in Frankfurt and his second encounter with Paul Valéry's writings on aesthetics in 1960. The very first instance of “the double character of art” appears in is 1961 winter-semester lectures on aesthetics.<sup>2</sup>

The simplest and most palpable statement of art's double character runs thus:

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<sup>1</sup> “Expressionismus und Künstlerische Wahrheit,” GS: 11; *Notes to Literature*, vol. 2, trans. Shierry Weber Nicholsen (New York: Columbia University Press, 1992).

<sup>2</sup> See Vo61, 6382. I surmise that another possible lineage of the double character thesis can be traced down in Georg Simmel's expression “doppelte Stellung” (“the double stance”) of the artwork in a famous essay on the “Handel” to which Adorno has referred. See Georg Simmel, “Der Henkel,” in *Philosophischer Kultur: Über das Abenteuer, die Geschlechter und die Krise der Moderne, Gesammelte Essays*, ed. K. Wagenbach, 1986, pp. 111-118. Adorno briefly engages with Simmel's essay in his “Henkel, Krug und frühe Erfahrung,” *Noten zur Literatur*, GS 11, 556-566.

The double character of art—something that separates itself from the empirical reality and thereby from society's nexus of effects and yet falls back at the same time into the empirical reality and society's nexus of effects. (Translation modified; AT: 253)

([D]er Doppelcharakter der Kunst als eines von der empirischen Realität und damit dem gesellschaftlichen Wirkungszusammenhang sich Absondernden, das doch zugleich in die empirische Realität und die gesellschaftlichen Wirkungszusammenhänge hineinfällt.) (ÄT: 374–375)

The thesis gives rise to the following antinomy:

THE THESIS SIDE: The work of art separates itself from the empirical reality and thereby from the social nexus of effects.

THE ANTITHESIS SIDE: The work of art falls at the same time into the empirical reality and social nexuses of effects.

The merit of this formulation, which makes up the centerpiece of the present chapter, is that the contradiction between its sides immediately becomes apparent. We have an antinomy here if we can show that both propositions are equally and self-sufficiently true while in conflict with each other. If the thesis side of the antinomy offers the formal conditions of the artwork as a separately posited sphere, distinct from its surrounding context, the antithesis side points to the real, contextual, and determining conditions of this positing. Because for Adorno artworks “require a double observation that is no more to be posited as an unalloyed whole than aesthetic autonomy and art can be conflated as something strictly social” (ibid.), I adopt in this chapter a similar approach to unfold all the main terms of the formulation of the antinomy. These are: the work of art, separation, falling back or repetition, the empirical reality, and the social nexus of effects.

The last two terms, the empirical reality and social nexus of effects, repeat themselves vis-à-vis the artwork. It is hence that the relation of the artwork to its context of genesis must be examined once from within the work, that is, from the perspective of its formal separateness *from* its real conditions of genesis, and then from without, that is, from the perspective of its falling back *into*, or repeating, its real conditions of genesis. Both perspectives impose themselves on the observer of the autonomous works of art. While the focus of our inquiry will be the autonomy of the work of art throughout, it is studied from two standpoints, the bringing together of which constitutes a problematic for art's dilettantes and savants alike. Without this double observation, artworks would be free of one of their most troublesome problematics. How art possesses a double character and why it qualifies as an antinomy needs to be justified.<sup>3</sup>

The best way to approach the concept of genesis—as the index of all that from which art separates itself—goes through Aristotle's theory of four kinds of cause, material, formal, efficient, and final, which serves as a guide to gain knowledge of how a thing comes to be. The first two are immanent to the thing: the material cause lies in the stuff out of which the thing

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<sup>3</sup> More than a decade after the publication of the *Aesthetic Theory*, Sparshott opens his voluminous tome on arts thus:

“Art is a simple matter. Consider five objects, all familiar at least by proxy: Leonardo's *Mona Lisa*, Shakespeare's *Hamlet*, Beethoven's *Eroica*, Dante's *Divine Comedy*, Michelangelo's *David*. Each of these is a work of art, if anything is; we would be more surprised if a history of the relevant art left them out than if it included them. Suppose now that you found the experience of looking at, listening to, or reading one of these neither enjoyable nor interesting. You would then feel entitled to say that either you were not up to it (it was beyond you, or was not your kind of thing, or you were not in the mood) or it was no good. That is, you would have no doubt as to what standard should be applied in deciding if it was any good, although you yourself might be in no position to apply it. And the standard in each case would be essentially the same. There is really no doubt about what these things *are for*. . . . There is, then, really no problem about what art is and what art is for.” Francis Sparshott, *The Theory of the Arts* (Princeton: Princeton UP: 1982), 3.

In a footnote to the same paragraph Sparshott comments on the above points, “T. W. Adorno points out that the enigmatic character of art appears only *from the outside* [see AT 121–122]. What I am saying in these opening remarks is essentially that there is no need to look at a human activity *from the outside*, and if one chooses to do so, one can claim no privilege for one's view” Sparshott, 503. He takes a very different, almost opposed path in his study of art and various arts, yet his characterization of Adorno's aesthetic theory, I believe, goes to the heart of Adorno's project.

is made (“The bronze of a statue”), and the formal one in its form or pattern, including the class or genus under which the thing falls. The other two kinds of cause tend to be external to the thing, thus the efficient cause is that of a maker (“The man who plans . . . the father of the child”) while the final cause makes up the end or *telos* of the thing, answering the question, Why has the thing been made?<sup>4</sup> The last two causes are external to the thing only in terms of the source of causality—a person with a craft or capacity, and the use to which the thing is put—but not its expression in the thing, which inheres in it and constitutes a starting point from which the thing can be known as a made thing. For Aristotle, “all causes are beginnings.” This means that to explain the thing I need to take my point of departure from the thing itself, and it is only by looking at the thing itself that I can discern its material, its form or pattern, the traces of the craft deployed to make it, and its purpose.

Artefacts belong to a class of things that are generated neither naturally nor spontaneously, but artificially, that is, by the purposeful agency of something.<sup>5</sup> Although the four causes are supposed to be given for explaining all kinds of things, when it comes to the autonomous artwork, the final causality—which according to Aristotle has explanatory priority over all others and to which the first three causes are instruments for answering the why of the product—becomes problematic, for it is not possible to answer the question as to why a poem, say, Brecht’s *Die Liebende*, has been made. There is no satisfying answer to this question. The poem has stuff and materials, form and pattern, a maker, but no purpose that can be pinned down. In my view, the peculiarity of the autonomous artwork from an Aristotelian perspective

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<sup>4</sup> This account is based on the summary that Aristotle offers in *Metaphysics*, 1030a24–38; translated by W. D. Ross, *The Basic Works of Aristotle*, ed. Richard McKeon (New York: The Modern Library, 2001). For the Greek text and an extensive commentary by Ross, see *Aristotle’s Metaphysics*, 2 vols (Oxford: Calderon, 1924). See also Andrea Falcon, “Aristotle on Causality,” *The Stanford Encyclopedia of Philosophy* (Spring 2015 Edition), Edward N. Zalta (ed.). <https://plato.stanford.edu/archives/spr2015/entries/aristotle-causality/>.

<sup>5</sup> Artefacts are makings or poieiseis. Aristotle, *Metaphysics*, 1032a7. By purposeful agency, I mean to rephrase what Aristotle refers to as the soul of artist (ψυχῆ) whose product is a making that possesses form (εἶδος). *Metaphysics*, 1032b32–33.

is that in it, the formal cause cuts its ties to the final cause such that it becomes impossible to decide the final cause of the work out of its formal constitution. In the case of a table, its pattern of having four legs and a flat surface indicates the purpose of holding objects in a stable state and at a height fit for an average person. This makes for its final reason to exist. The shapes of the everyday artefacts give us clues as to their purposes, they are more or less decipherable in connection to their uses. Deciphering the pattern of a painting like the famous *Guernica* by Picasso only confronts us with something indeterminate that leads us to no finality. It poses an enigma.<sup>6</sup>

The identity of formal and final causes in the artwork suggests that, if according to Aristotle the point of departure in knowing the made thing lies in the thing itself, for the artwork one can neither limit oneself to the materials of the work, nor to the intentions and beliefs of its maker, nor to the norms and rules of its making. In the absence of a positively given final cause, one has only to concern oneself with the form of the work. The formal cause of the artwork thus acquires priority over others, especially the final one. The formal cause speaks to what the inner composition of the work is in separation from the outside, whereas the final cause situates the artwork in the nexus of relations between things, persons, and purposes. In this respect, I have organized my argument according to two broad though not apodictically distinct notions of genesis as the source of causality for bringing about the artwork: genesis as origination (including material and efficient causes) and genesis as organization (combining formal and final causes). Art's autonomy will be examined once in relation to its separation

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<sup>6</sup> A similar discussion of the Aristotelian and Kantian notions of causality with regard to Adorno's understanding of the artwork and its enigma (to which I will return in the fourth part of this chapter) is offered by Giulles, Moutot, *Essai sur Adorno* (Paris: Payot & Rivages, 2010), 310–314.



from genesis in its double sense, and the other time in relation to its falling back into, or the repetition of, that genesis.<sup>7</sup>

Treating the two characteristics of art, autonomous and social facticity, in distinction from one another is only to serve an eased mode of presenting my argument. Abstracting the moment of autonomy from that of the social facticity has no counterpart, as Adorno repeatedly stresses, in the ontological status of the work of art itself. He states in a 1961 lecture, “The moments of this double character are not simply to be separated but that they have something essential to do with each other” (Vo61: 6382).<sup>8</sup> In another lecture from 1968, he notes that “None of those moments of the artwork—the autonomous and the one oriented to the outside—are to be understood freely and on their own, but each individual moment is both a moment of immanent logic and one of connection with society” (Vo67: 11170).<sup>9</sup> Understanding these two moments freely and on their own is precisely what I have set out doing in the first half of the chapter.

Even so, my final goal is to consider them together in their concrete unity, but only after we have shown that there is a ground, and indeed a need, for such a unity. For Adorno, art’s autonomy “exists only in relation to its other; it is the process that transpires with its other”

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<sup>7</sup> Valéry has a similar view of the two aspects of aesthetic making, spontaneous and conscious. While the two aspects are primarily viewed from the standpoint of the artist, they become constitutive of the aesthetic object itself, too, “In a work of art, in sum, two kinds of constituents are always present: first, those whose origin we cannot conceive, which cannot be expressed by means of acts, although they can be modified by acts later on; second, those which are *articulate*, and thus may be the result of thought.” Paul Valéry, “Aesthetic Invention,” *Aesthetics*, trans. Ralph Manheim (New York: Pantheon, 1964), 66. The pair of origin and articulation in the artwork correspond to the pair of origination and organization in my argument.

<sup>8</sup> “[D]ie Momente dieses Doppelcharakter nicht einfach getrennt sind, sondern daß sie miteinander etwas wesentliches zu tun haben.”

<sup>9</sup> “Keines jener Momente des Kunstwerkes – des autonomen wie des nach außen gerichteten – ist frei aus sich zu verstehen, sondern jedes einzelne Element ist sowohl eines von immanenter Logik wie eines des Zusammenhanges mit der Gesellschaft.” See Albrecht Wellmer, “Über Negativität und Autonomie der Kunst. Die Aktualität von Adornos Ästhetik und blinde Flecken seiner Musikphilosophie,” in *Dialektik der Freiheit: Frankfurter Adorno-Konferenz 2003*, ed. Axel Honneth (Frankfurt am Main: Suhrkamp: 2005), 245. See also Jay Bernstein, “The Dead Speaking of Stones and Stars,” in *The Semblance of Subjectivity: Essays in Adorno's Aesthetic Theory*, ed. Tom Huhn and Lambert Zuidervart (Cambridge, MA: MIT Press, 1997), 147.

(translation modified; AT: 3/ÄT: 12).<sup>10</sup> A positive notion of the autonomy of art, one that goes beyond simply stressing its separation from society, or its negativity, can only be achieved provided that its relation to that from which it separates itself—its context—is fully taken into account. The contribution of Adorno’s aesthetics to the modern discipline of aesthetics is his conception of the inseparability of both moments of autonomy and social facticity. His key innovation, in my interpretation, lies in the plea that the aesthetic concern itself, not only with the formal conditions of the artwork separating itself from its real conditions, that is, the empirical reality and the social functions and purposes, but also with the real conditions themselves for the possibility of aesthetic separateness. Aesthetic form is bound to confront an antinomy thanks to this double relation to its real conditions of genesis.

I do not intend in this chapter to offer a comprehensive or reconstructive account of all themes of Adorno’s *Aesthetic Theory*, a 1970 posthumously published volume of chapters that are completed but in need of a final reorganization. A growing body of scholarship in recent years, especially in English, is carrying out such a task.<sup>11</sup> In examining the antinomy of aesthetic form in art’s double character in Adorno, my contribution to this reception aims to make one central point, namely, that art’s double character is inevitable if we are to follow through the claim of art at the onset of modern aesthetics as something made that appears like nature.<sup>12</sup> In this respect, I take Adorno’s argument to possess a transcendental aspect and a historical aspect, in accord with which one could argue that whether or not any autonomous artwork

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<sup>10</sup> “Sie ist nur im Verhältnis zu ihrem Anderen, ist der Prozeß damit.”

<sup>11</sup> See esp. Espen Hammer, *Adorno’s Modernism: Art, Experience, and Catastrophe*, (Cambridge: Cambridge University Press, 2015) and Owen Hulatt, *Adorno’s Theory of Philosophical and Aesthetic Truth* (New York: Columbia University Press, 2016).

<sup>12</sup> For Kant art is the product of the “determinate intention of producing something,” nevertheless we regard it as if it were nature, “although of course one is aware of its art.” See Immanuel Kant, *Critique of the Power of Judgment*, § 45, 185–186.

has ever succeeded in existing, art is bound to have a double character precisely if it must be a separated self-legislating sphere.

The transcendental aspect of Adorno's claim relates to what he takes as the specificity of art: that it separates itself from that out of which it emerges, that is, the entire social context. In this respect, separateness is, for Adorno, the trans-historical, formal condition for objects to be experienced and recognized as art. If separation is a form of conflict with or opposition to that from which the phenomenon separates itself, then there have always been "conflicts between art and society," and even before the rise of bourgeois society "art certainly stood in opposition to social domination and its *mores*" (AT: 225/ÄT: 334). The definition of art as generating a separated realm in virtue of lawfully gathering together tactile, optical, acoustic, plastic, or poetic elements, and in opposition to the way those elements are organized in reality, is in principle indifferent to the variety of specific conditions under which that separation takes place. It does not speak to the nature of that against which art separates itself.

Once it starts asking the question of what it is from which art separates itself, or whether it is still possible at all to generate such a set apart realm, the thinking about art assumes a historical dimension. Thus, Adorno modifies his transcendental claim about art noted above by submitting that it is only in bourgeois society and its commodity condition that art gains "awareness of its own independence." While formal separation specifies art in general, the art of modern bourgeois society intensifies its separateness, its separateness becomes a death-and-life issue for it, because "the bourgeois society integrated art much more completely than any previous society had" (AT: 225/ÄT: 334). Art's awareness of its historically new predicament in a highly rationalized, brutally coercive society, of the risk of failing to resist the total integration into that from which it strives to keep its distance, commits the aesthetician to a set of considerations bearing on what art is and whether it is still possible at all. I take Adorno

to mean by integration primarily the commodity form subsuming all products of labor, including the works of art.

While the transcendental aspect of art's double character gives the formal conditions of separation, the historical aspect provides the real conditions of the genesis of the artwork. Because, however, the idea of art involves going beyond its conditions of production, to acquire a validity of its own as a recognizable aesthetic object in distinction from its path of genesis, then giving an account of the genesis of the works of art does not capture its aesthetic quality. Thus, I will argue that for Adorno, the true validity of the work, its very right to existence, has to do with breaking with its genesis.<sup>13</sup> The force of the antinomy asserts itself precisely here. I have arranged the steps of my argument so as to demonstrate that the real conditions of genesis both make possible and impossible the autonomy of the artwork. That is, they serve as the context from which the artwork is bound formally and lawfully to separate itself in order to realize its very idea, and simultaneously function as conditions for the possibility of a successful aesthetic separation. For this reason, the separation moment needs to be discussed once in a transcendental manner and then in relation to its conditions of possibility.

Finally, because art is not "indifferent" ("gleichgültig") toward its own double character (see AT: 310/ÄT: 459), I will show how, for Adorno, every successful artwork responds to its own constitutive conflict in order to regain its identity, reclaim its right to an autonomous existence, and remake its relation to its context of genesis.

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<sup>13</sup> Very early on in the *Aesthetic Theory*, Adorno writes, "Nietzsche's late insight, honed in opposition to traditional philosophy, that even what has become can be true, is axiomatic for reoriented aesthetic. The traditional view, which he demolished, is to be turned on its head: Truth exists exclusively as that which has become." (AT: 3/ÄT 12). In Bernstein's words from a different context in Adorno, "Validity is not determinable independently from the path through which it arises. If reasoning in transitions is the space of epistemic advance, then both transition (genesis) and validity must be phrased as having equal weight." *Adorno: Disenchantment and Ethics* (Cambridge: Cambridge University Press, 2001), 338. See also Hammer, *Adorno's Modernism*.

Here is the outline of the main steps that I will take in the rest of this chapter. In part two, I lay down the autonomy moment of the artwork in which the work separates itself through form from its genesis both as origination and as organization. In part three, I turn to the social facticity moment of the artwork in which the work repeats in itself its context of genesis by imitating the fetish form and the commodity form. In part four, I take up the question of resolution to the conflict between the two characters of art by looking at the two moments of separation and repetition together, that is, as a unified but enigmatic whole. With the help of Adorno's categories of the sublime and the ridiculous, I examine the processual character of the artwork to be interpreted as a rhythm that oscillates between positing the work as something separate and then negating this positing. The effect of this rhythm is the endlessness of the work as an enigmatic thing that does not finalize itself in the form of a product with a determinate end. The chapter will conclude by showing that the rhythm of the work generates what Adorno calls a figure with which the artwork participates in history beyond the duality of separation and repetition.

Insofar as the aesthetic experience of the autonomous artwork by a beholder, listener, or reader is concerned, a feeling of the conflict remains as an inevitable moment of the experience, however. This is the case because the beholder has no grounds to reconcile the internal and external views of the autonomous artwork. And insofar as the artwork is analyzed independently from the beholder, the resolution remains possible but not actualized under the condition of bourgeois society.

## § 2 ANALYTIC OF THE AUTONOMOUS: FORM AS SEPARATION

The first part of the formulation, defining the artwork as something that “separates itself from empirical reality and thereby from the social nexus of effects,” presents the autonomy moment at its most abstract as a state of separation. Understood as this separation and as the specific way this separation occurs, the specificity of art is defined by Adorno thus: “Art specifies itself by that through which it separates itself from that out of which it came to be” (translation modified; AT: 3/ÄT: 12).<sup>1</sup> The expression “that out of [or with] which” (“dem. . . woran”) evokes Aristotle’s term ἐξ οὗ (“that out of which”) designating the material cause of a thing.<sup>2</sup> In this way, the passage declares art’s separation from its material determinants. Yet, we should note, the actual specificity of art is not merely its being separated but the manner in which, or “that through which” (“dem, wodurch”), it performs this separation. The mode of separating itself from its conditions of genesis defines art for Adorno. Another formulation states, “Only by virtue of separation [*Trennung*] from empirical reality, which sanctions [*gestattet*] art to model the relation of the whole and the part according to the work’s own need, does the artwork achieve a heightened order of existence [*Sein zweiter Potenz*]” (AT: 4/ÄT: 14).

If the artwork separates itself through its whole-part relation from its context of genesis, then it succeeds in severing its causal ties to that context, if only in the sense that no knowledge of that context can capture the specificity of the artwork. The key to this account of separation, with its emphasis on the mode of separation, lies with the expression “social nexus of effects” (which renders the German term *Wirkungszusammenhang*) in our primary passage by Adorno. The nexus of effects is a term that derives from Dilthey’s construction of the historical world.

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<sup>1</sup> “Sie spezifiziert sich an dem, wodurch sie von dem sich scheidet, woran sie wurdet.; ihr Bewegungsgesetz ist ihr eigenes Formgesetz.”

<sup>2</sup> Aristotle, *Metaphysics*, 1032b16–17.

In that context, it “is distinguished from the causal nexus of nature by the fact that, in accordance with the structure of mental life [*Das geistige Leben*], it produces *values* and realizes *purposes*.”<sup>3</sup> It does so by virtue of an immanent and teleological character that is essential to the spiritual. A spiritual, or mind-structured world has its center within itself, and, unlike a spiritless mechanism, all its elements work together, affecting one another in a shared world. Dilthey deploys this notion to account for the autonomy and self-sufficiency of purposes and values in the historical world, delimited against the natural world. Significantly, Dilthey’s own example for the nexus of effects comes from the sphere of poetical production: “If we read one of Shakespeare’s comedies we find the component parts of an event not only temporally and causally linked but elevated into unity according to the laws of poetical composition: this unity lifts the beginning and the end out of the causal chain and links its parts into a whole.”<sup>4</sup> This means that a comedy by Shakespeare is structurally of the same nature as any other historical world, including a religious system, or a legal code.

The nexus of effects denotes a reciprocal relation of causality between many elements in a whole where each element can be both the effect of another element while itself a cause effecting that element. In such a nexus, it is impossible to pin down one element as either the prime cause or the final effect. All elements in the nexus are effects inasmuch as no element can lay claim to be uncaused or the main cause of others, and the whole nexus declares its independence from whatever lies outside of it so far as what lies outside of it claims to cause the relations of elements inside.<sup>5</sup> Thus, it must follow that the work is an effect whose cause

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<sup>3</sup> See Wilhelm Dilthey, *Der Aufbau der geschichtlichen Welt in den Geisteswissenschaften. Wilhelm Diltheys Gesammelte Schriften* (Leipzig: B. G. Teubner, 1927), 152–162, here 153. For the English translation, slightly modified here, see, *Selected Writings*, ed. H. P. Rickman (Cambridge: Cambridge University Press, 1967), 196–197.

<sup>4</sup> Dilthey, *Selected Writings*, 199.

<sup>5</sup> Speaking of a declaration of independence, the best example may be the way that the republic constitutes itself as one and indivisible unity in separation from other political unities outside of it. In chapter four I will take up the question of the form of the republic.

appears to reside within itself. The Shakespeare comedy in Dilthey's example does not stand in any strikingly causal relation to the rest of the context of which it is a part.<sup>6</sup>

Adorno's notion of the separated aesthetic form both conforms to the structure of a nexus of effects, as Dilthey's own literary example may testify, and negates, it for it claims to be a separated sphere, set apart from the social nexus of functions, purposes, and values.<sup>7</sup> Adorno does not equate the aesthetic quality of the artwork with this nexus: "[T]he nexus of effects [is] not the principle to which the autonomous works are subordinated, but it is their framework [*Gefüge*] [in which they are] with themselves" (GS 11: 429).<sup>8</sup> Inasmuch as the nexus of effects breaks with the causality of natural, empirical objects for Dilthey, it allies itself with art's autonomy in its claim to be a thing that possesses something more. Inasmuch as art's autonomy claims to resist external effects, values, and functions, however, the theory of nexus of effects fails to explain what the function or purpose of an autonomous artwork is in defiance of purposes imposed on it from the outside. When we speak of causality in the work, we need to distinguish between two kinds. The causality that generates the work out of definite stuff and the determinate craft of the maker as artist (material and efficient causes) differ from the formal causality that organizes the work and sustains this organization in independence from material and efficient causes. The artwork separates itself from the outside and yet it does so in a certain way, thereby becoming something. What is it that separates itself and how does it do so?

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<sup>6</sup> "Strikingly causally closed" is the expression that Putnam uses to refer to the causal nexus of nature. See Hilary Putnam, *Reason, Truth and History* (Cambridge: Cambridge University Press, 1981), 75.

<sup>7</sup> Adorno's own use of the term "nexus of effects" in his aesthetic writings can offer a further evidence of the affinity of the structure of the artwork and that of the social context to which the work is to relate. See, for instance, *ÄT* 122, 133, 360, 399.

<sup>8</sup> "[D]er Wirkungszusammengang [ist] nicht das Prinzip, dem die autonomen Werke unterstehen, sondern ihr Gefüge bei sich selbst." "Commitment," *Notes to Literature*. The term *Gefüge* is widely used in *Aesthetic Theory* as a way of referring to the tightly woven frame of the autonomous artworks whose elements are sensible and the relations between those elements, however, spiritual. Cf. *ÄT*: 139, 146, 150, 153, 155, 181, 266, 280, 364, 413, 424, 430, 432, 488, 515, 528.



Immediately after referring to the specificity of art in the above passage, Adorno goes on stating: “Its law of movement is its own law of form. It exists only in relation to its other; it is the process that transpires with its other” (translation modified; AT: 3/ÄT: 12).<sup>9</sup> Movement here signifies the changes and displacements in the ways of defining what art is in the absence of any invariable artistic characteristics. That which in any given historical moment specifies art must be sought in art’s attempt to separate itself from what is not art, constituting its own set-off realm. Separation is separation from something. If the historical movement of art obeys any law, then this law derives from art’s formal organization of that separated realm. Form does so in a lawful manner. Adorno’s terms for this lawfulness of separation through form include construction, rationality, and coherence.<sup>10</sup> These terms speak to the relation of the wholesome unity of the work and what counts as its parts. Form enables the separation of the work from the conditions of its coming to be: its sensate materials, the act of making that comes with intentions and purposes of the maker, but also the functions expected from the product of that making.

The separation, however, should not be understood in terms of content—it is not that the work distances itself from certain images, words, colors, meanings, syntactical constructs, tropes. Works of art organize in themselves whatever materials are actually available to them. They have a body in virtue of being material objects. They find themselves in optical, acoustic, verbal, and tactile fields of any present time. But they offer their own configuration of elements within those fields. Separation must be understood as the formal jurisdiction under which elements are gathered: “Form works like a magnet that orders elements of the empirical world

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<sup>9</sup> “[I]hr Bewegungsgesetz ist ihr eigenes Formgesetz. Sie ist nur im Verhältnis zu ihrem Anderen, ist der Prozeß damit.”

<sup>10</sup> “Form is the artifacts’ coherence, however self-antagonistic and refracted, through which each and every successful work separates itself from the merely existing.” AT 142.

in such a fashion that estranges them from the nexus [*Zusammenhang*] of their extra-aesthetic existence” (AT: 226/ÄT: 336; See also AT: 7/ÄT: 19). Form is not a *creatio ex nihilo*, it is a “creation out of the created” (AT: 143/ÄT: 216),<sup>11</sup> that is, out of what is already formed and which belongs to a set of determinations. Adorno stresses that “Aesthetic autonomy encompasses what is collectively most advanced,” that is, the artist must have an eye and an ear for what seems to be most removed from the demands of the separated, self-legislated realm of art. Materials and methods of making art, writes Adorno, “are historically and socially preformed” (AT: 42, 89).<sup>12</sup> In every other respect a work is caught in the nexus of effects of the empirical world except with regard to its own formal nexus of elements. In short, form is a separation from the genesis of the work.

In an illuminating passage on the relation between what the work receives as its stuff and what the form of work does to this stuff, Adorno states, “Everything appearing in the artwork is virtually content [*Inhalt*] as much as it is form, whereas form remains that by which the appearing determines itself [*sich bestimmt*] and content remains what is self-determining [*das sich Bestimmende*]” (AT: 145/ÄT: 219).<sup>13</sup> It is not insignificant that, precisely in discussing the form of the work, which we would equate with its power of self-determination, Adorno in this passage reserves the term of activity, self-determining, for the content. In this passage, the key stress, I believe, falls on the power and nature of that which the artwork puts together by way of forming them. The materials have their own preformed signification and yet once they have stepped into the jurisdiction of the artwork, they transform themselves because they are now separate from the causality of what is outside of the work. Yet again, they transform

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<sup>11</sup> “[K]eine freilich aus dem Nichts sondern aus Geschaffenem.”

<sup>12</sup> On the question of aesthetic materials, see Hammer, *Adorno's Modernism*, 181–192.

<sup>13</sup> “Alles im Kunstwerk Erscheinende ist virtuell Inhalt so gut wie Form, während diese doch das bleibt, wodurch das Erscheinende sich bestimmt, und Inhalt das sich Bestimmende.”

themselves not by the coercive force of a principle hammering them into the formal unity of the work. On the contrary, the work forms their materials, non-violently, by following their own determinations to the extent that what is contained in the form is dubbed self-determining by Adorno (cf. AT: 5, 143).

A piece of poetry, in which no complex formal operation seems to govern the work, still creates a set apart realm in close proximity to that from which it sets itself apart. William Carlos Williams's "Poem" makes a case. In it, form shrinks to a minimal act of gathering together words and images from the everyday world, and yet, it generates what is a poem:

As the cat  
climbed over  
the top of  
  
the jamcloset  
first the right  
forefoot  
  
carefully  
then the hind  
stepped down  
  
into the pit of  
the empty  
flowerpot<sup>14</sup>

The poem is elliptic in its grammatical form on account of the position of the verb for the motion of the cat's forefoot, which may be taken to be implied by the general movement in "climbed over." The ellipsis is backed up in the reverse movement of "stepped down" of the hind(foot). The intertwinement of the ascent and descent in the motion of the cat, mediated in the poem by the slightly awkward position of the adverb "carefully," introduces a mild tension that keeps the reader going to and fro between the two opposite motions. Yet, this very opposition, which runs counter to the laws of physical nature demanding motion in one

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<sup>14</sup> William Carlos Williams, *The Collected Earlier Poems* (New York: New Directions, 1952), 340.

direction at any given moment, makes up the aesthetic law of the poem. It holds the poem together and helps it separate itself from any empirical report. It is only in the poem that one can go back and forth between the two motions of the cat, whereas in reality the cat takes only one position at a time. The poem creates its own unique temporality in which moments do not follow each other only successively.<sup>15</sup>

In the aesthetic object, therefore, the chain of causes and effects, the spatial-temporal framework, that conditions our perception of the empirical objects and their relations for us, is broken once it has arrived at the threshold of a painting, a sculpture, a poem printed on a piece of paper, or, in its extreme case for Adorno, of music (in which case severing is driven to its extreme or “ins Extreme”; GS 18: 157)<sup>16</sup>. Music is extreme in its separateness because its fundamental mode of organizing notes, namely time, can suspend or reverse the nature of experiencing time as a successive flow of moments, which makes for the condition of perceiving sounds. Of a “highly organized music” (“hochorganisierte Musik”) Adorno writes that one must listen to it “in a multidimensional manner, at the same time forwards and backwards. This is what its temporal principle of organization demands: time is to be articulated only through the differences between the known and the non-yet-known, between what-has-been-there and the new; progression itself has as its condition a retrograde

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<sup>15</sup> In a one-time reference to the poet, Adorno stresses, “When Brecht or Carlos Williams sabotages the poetic and approximates an empirical report, the actual result is by no means such a report: By the polemical rejection of the exalted lyrical tone, the empirical sentences translated into the aesthetic monad acquire an altogether different quality. The antilyrical tone and the estrangement of the appropriated facts are two sides of the same coin. Judgment itself undergoes metamorphosis in the artwork.” (“Wo Brecht oder Carlos Williams im Gedicht das Poetische sabotieren und es dem Bericht über bloße Empirie annähern, wird es keineswegs zu einem solchen: indem sie polemisch den erhobenen lyrischen Ton verschmähen, nehmen die empirischen Sätze bei ihrem Transport in die ästhetische Monade durch den Kontrast zu dieser ein Verschiedenes an. Das Gesangsfeindliche des Tons und die Verfremdung der erbeuteten Fakten sind zwei Seiten desselben Sachverhalts. Verwandlung widerfährt im Kunstwerk auch dem Urteil.”) AT: 123/ÄT: 187.

<sup>16</sup> A most clear, phenomenologically accurate account of this separation is offered by Simmel in a short essay on the “Frame of the Painting.” See, Georg Simmel, “Der Bildrahmen,” in *Die Philosophie der Kunst: Philosophische und kunstphilosophische Aufsätze* (Potsdam: Gustav Kiepenheuer, 1922), 46–54.

consciousness” (GS 5: 367).<sup>17</sup> That Adorno says so of a “highly organized music” reveals that the statement may not be true of any piece of music, but only of that kind whose organizing principle can indeed sever itself from the empirical experience of time.

Adorno has remarked that form does not or cannot abandon what has thus been made its other, that is, the context of its genesis, but remains in relation to this other from which it has separated the work. Now if form “is the process that transpires with its other” (“ist der Prozeß damit”), then in order to understand how form relates to its other, we need to consider this process of lawful separation itself, which is determined in a twofold manner. On the one hand, the work separates itself from empirical reality and, on the other hand, from the social nexus of effects. Our original passage on art’s double character links the two separations with a “thereby” (“damit”), so that it appears as though the work’s separation from empirical reality makes possible that from the social nexus of effects. In simpler concepts, the work as aesthetic object is not only a functional empirical thing. It is a useless, ideal thing as well. I examine both forms of separation as regards two aspects of genesis, originative and organizational, whereby it rises above both empirical time and place and social functions.

## 2.1 Separation from Genesis as Origination

Adorno’s way of substantiating his notion of form as separation from genesis counts as one key point where his position is deeply indebted to the German tradition of Idealist aesthetics, in two main ways: in conceiving of the act of separation as an essentially aesthetic capacity of

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<sup>17</sup> “Auch hochorganisierte Musik muß man mehrdimensional, von vorwärts zugleich und rückwärts hören. Das erheischt ihr zeitliches Organisationsprinzip: Zeit ist nur durch Unterschiede des Bekannten und nicht schon Bekannten, des Dagewesenen und des Neuen zu artikulieren; Fortgang selber hat zur Bedingung ein rückläufiges Bewußtsein.” *Three Studies on Hegel*, trans. Shierry Weber Nicholsen (Cambridge, MA: MIT Press, 1993).

the human subject, and in conceiving of the structure of separation as imitating natural beauty. I will discuss these ways in relation to the autonomy moment of the artwork.

The state of being set apart is primarily one that veers toward concealing its own emergence, otherwise it would have to reveal the ways by which the object relates to the sources of causality outside of its boundaries. Here I would refer to the definition of the aesthetic object in Karl Philipp Moritz as he is considered the first modern aesthetician specifically to work out a notion of art's autonomy as separation. For Moritz, the aesthetic object is "that which is complete in itself" ("in sich selbst Vollendetes"). The completeness thesis rests on the concept of purposiveness or usefulness, which in turn brings into play the role of the subject. According to Moritz, the beautiful object is complete in itself inasmuch as it is not a useful or purposive object for me. In the case of the useful object, "I make myself, so to speak, into a middle point to which all parts of the object relate, that is, I behold the object merely as a means of which I am myself the end insofar as through that means my completeness is advanced."<sup>18</sup> The useful object has thus its "purpose not in itself, but *outside* of itself in something else through which the completeness of the object is to increase."<sup>19</sup> Whenever I look at a useful thing, I find it incomplete insofar as it is there to serve not itself but my needs, like a watch and a knife. It is wanting for something that it cannot be or find in itself as long as it is not put into some use desired by me. Constitutionally, the useful object is ready to enter into relations with other objects: the knife meets the meat to cut it. Left to itself, the knife sits on the kitchen table for the future uses, not much worthy of beholding for its

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<sup>18</sup> "Ich mache mich gleichsam zum Mittelpunkte, worauf ich alle Theile des Gegenstandes beziehe, d.h. ich betrachte denselben bloß als Mittel, wovon ich selbst, in so fern meine Vollkommenheit dadurch befördert wird, der Zweck bin." Karl Philipp Moritz, *Die Signatur des Schönen, und andere Schriften zur Begründung der Autonomieästhetik*, ed. Stepan Ripplinger (Hamburg: Philo Fine Arts, 2009), 7; "On the Artistic Imitation of the Beautiful" (excerpts), in *Classic and Romantic German Aesthetics*, ed. J. M. Bernstein (Cambridge, Cambridge University Press, 2003)..

<sup>19</sup> Moritz, *Signatur*, 8.

own sake. By contrast, the beautiful “has its purpose not outside of itself, and does not exist because of the completeness of something else, but because of its own inner completeness.”

A knife that is complete in itself stands in no need to meet the meat or my purposes.

Moritz’s is therefore not an absolute notion of being-in-itself but one relative to the position of the subject vis-à-vis the aesthetic object. He refrains from defining the beautiful independently and on its own terms. Yet, he does not stop at the standpoint of use in characterizing the beautiful object, either. He writes, “The nature of the beautiful consists precisely in the fact that its inner essence lies outside of the limits of the thinking force and with its emergence in its own becoming. Precisely because the thinking force in the face of the beautiful can no longer ask, Why it is beautiful, it is beautiful.”<sup>20</sup> Moritz does not claim that the beautiful is thereby independent in an absolute sense, but only to the extent that thinking cannot discover the reasons why it is perceived as beautiful, why it elicits, that is, a very peculiar form of pleasure in the viewer. The thinking force cannot establish any conclusive relation between the fact of the coming-to-be of the beautiful and its quality as beautiful. It remains in the dark (“dunkel”).<sup>21</sup> Darkness and obscurity of the thinking force in the face of the aesthetic object recalls the language of the nascent aesthetics in the eighteenth century.<sup>22</sup> Darkness as opposed to the clarity when it comes to the ideas that the subject makes of distinct objects constituted the point at which aesthetics as a discipline claimed its right alongside the traditional disciplines of logic and metaphysics. The modern lineage of the concept of separation or *Absonderung* in Adorno’s aesthetics must also be sought here.

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<sup>20</sup> “Die Natur des Schönen besteht ja eben darin, daß sein inneres Wesen ausser den Grenzen der Denkkraft, in seiner Entstehung in seinem eignen Werden liegt. Eben darum, weil die Denkkraft beim Schönen nicht mehr fragen kann, warum es schön sey? ist es schön.” Moritz, 47.

<sup>21</sup> See Moritz, 43.

<sup>22</sup> Moritz, 45. The concept of the dark and the dark forces are rooted in the works of Leibniz and later Baumgarten. See, *Texte zur Grundlegung der Ästhetik*, trans. Hans Rudolf Schweizer (Hamburg: Felix Meiner, 1983). For a discussion of obscurity and clarity in Leibniz and Baumgarten, see Christoph Menke, *Force: A Fundamental Concept of Aesthetic Anthropology*, trans. Gerrit Jackson (New York: Fordham University Press, 2013), 13–19.

Baumgarten uses the German term *Absonderung* as the equivalent of the Latin *abstractio* and employs it for two slightly different purposes in his metaphysics and aesthetics. The counterpart to abstraction for him is attention (*Aufmerken, attentio*).<sup>23</sup> Baumgarten's innovative idea, that aesthetics as the science of sensate or lower cognition can aid and improve the science of rational or higher cognition, rests on the close relation that he establishes between the art or faculty of attending (*ars attendi*) and the art or faculty of abstracting (*ars abstrahendi*). Taken together, both faculties help achieve the Cartesian philosophical goal in pursuing truth: clear and distinct ideas.<sup>24</sup> A basic metaphysical-psychological principle underlies Baumgarten's position: "To that which I represent to myself as clearer than others I pay attention; from that which I represent to myself as darker than others I turn my thoughts away [abstract]. I thus have the ability to relate [my] attentiveness to something and to leave something out of [my] regard."<sup>25</sup> According to Baumgarten, traditional metaphysics, looking down at sense perception, tends to pay attention only to those representations that are already clear as they are given in our experience. Out of these already clear and available perceptions, logic tries to "draw clear concepts, elucidations and determinate intuition-judgments, and out of these further general propositions and other conclusions."<sup>26</sup> In his *Aesthetica*, Baumgarten turns to

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<sup>23</sup> In Pfütze's words, "Abstraction, the overlooking of the world and of any surrounding, is a faithful servant of sublime perception of that which is essential." Hermann Pfütze, *Form, Ursprung und Gegenwart der Kunst* (Frankfurt am Main: Suhrkamp, 1999), 93.

<sup>24</sup> Adorno briefly takes up the theme of the "clear and distinct perception" as one of the Cartesian rules for reasoning in the context of the form of the essay. See Adorno, "The Essay as Form," in *Notes to Literature*, 14–17. For this concept in Descartes, see *The Principles of Philosophy: Selected Philosophical Writings*, ed. John Cottingham and Robert Stoothoff (Cambridge: Cambridge University Press, 1988), 160–212, 178–188.

<sup>25</sup> "Was ich mir klarer als anderes vorstelle, darauf gebe ich acht; was ich mir dunkler als anderes vorstelle, davon ziehe ich meine Gedanken ab. Also habe ich die Fähigkeit, die Aufmerksamkeit auf etwas zu lenken und etwas außer Acht zu lassen." Baumgarten, *Metaphysica*, in *Texte zur Grundlegung zur Ästhetik*, ed. Hans Rudolf Schweizer (Hamburg: Felix Mainer, 1983), § 529, 13.

<sup>26</sup> Baumgarten, 70. The traditional metaphysician that is indifferent to aesthetics need only open his eyes and ears to undertake the task of coming at clear and distinct ideas. What he fails to overlook according to Baumgarten, however, is the very presupposition underlying his act of attention. Namely, paying attention to something is in fact to abstract and set aside whatever else that surrounds the object and its representation. He does not ask, therefore, of reasons why certain representations are clear but confused or both unclear and confused, and of what he can learn from the confused representations something about the knowing subject itself.



this concept anew to account for the mechanism of attention to objects.<sup>27</sup> Without the art of abstracting, the subject will not be able to overcome its distractedness and to behold the object on its own terms, free of its relation to other objects and representations.

The unity of separating and attending goes far beyond the realm of philosophical psychology. It conditions the experience of that which has been separated. The essence or the why of the beautiful object might remain obscure to me, yet, as both Moritz and Adorno note, the fact itself, or the what of the work, namely, *that* there exists something separated as a whole remains certain. The separated whole becomes then the object of attention. It is in virtue of being a wholeness integrating whatever it contains that the work can separate itself from its genetic context, for if no such whole could form itself, then there would be lingering parts in our perception of the work whose relations to the other parts would not follow the logic of separation. It is hard to give examples of works with unintegrated parts, for works already successful in their separation do not possess any. One case in point can be the relatively recent genre of music called “Sleep Music” or “Relaxing Music.” At times running for hours (therefore usually available only on the Online platforms such as the Youtube channels), this simple, repetitive type of music cannot be framed into one whole. There is hardly any principle of organization at work in these pieces gathering together endless arrays of notes. The notes remain essentially uncaptured because as loosely organized parts they fall back into the context from which the artwork is supposed to separate itself. This occurs especially because, as is often the case, the sleep music is accompanied by background natural sounds (birds, waves, rain) to boost the mood for falling sleep.

At a later stage in the history of the concept of separation, Schopenhauer provides an account of aesthetic separation that implies the correlation of Baumgarten’s and Moritz’s

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<sup>27</sup> Baumgarten, § 638.

accounts. For him, a wholly attentive subject becomes the truthful mirror of objects.<sup>28</sup> It frees itself from any willing, intention, and interest, in order that in its purity it can represent to itself the pure object. This pure object in turn is nothing but “the complete manifestation of the will appearing in the intuited object, which precisely is the (Platonic) Idea of the object.”<sup>29</sup> In describing the formal determination of the aesthetic object, he goes on writing:

The conception of such [a Platonic Idea], however, requires that, when beholding an object, I actually abstract from its position, in time and place, and thereby from its individuality. For it is this *position*, which is always determined through the law of causality, that posits that object, as individual, in some relation to me: thus, only through the setting aside of that position does the object turn into Idea and precisely thereby do I into the pure subject of knowing. For this reason, since it fixates the fleeting moment forever and thus wrests itself out of time, every painting offers not the individual, but the Idea, that which persists during all change.<sup>30</sup>

The innovative aspect of Schopenhauer’s idealist aesthetics lies with its claim that the aesthetic attitude toward its object commits us to take account of the absence of any relations between the object and whatever lies outside of it. The subject turns into the mirror of the object. Key in realizing this account is the correlation that Schopenhauer creates between what he has called a pure, will-free subject and the Ideal object. Purifying the subject of any will, intention, purpose vis-à-vis the object coincides with, or makes possible, the abstracting of the object from its position in time and space. If I seek to find a use in the aesthetic object, purporting

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<sup>28</sup> “treuen Spiegel der Objekte.” Arthur Schopenhauer, *Parerga und Paralipomena II* (Zürich: Haffmans, 1988), 364.

<sup>29</sup> “die vollkommene Manifestation des im angeschauten Objekt erscheinenden Willens, welche eben die (Platonische) *Idee* desselben ist.” Schopenhauer, § 206.

<sup>30</sup> “Die Auffassung einer solchen aber fordert, daß ich, bei Betrachtung eines Objekts, wirklich von seiner Stelle, in Zeit und Raum, und dadurch von seiner Individualität, abstrahiere. Denn diese, allemal durch das Gesetz der Kausalität bestimmte *Stelle* ist es, die jenes Objekt zu mir, als Individuo, in irgend ein Verhältniß setzt: daher wird nur unter Beseitigung jener Stelle das Objekt zur *Idee* und eben damit ich zum reinen Subjekt des Erkennens. Deshalb giebt jedes Gemälde, schon dadurch, daß es den flüchtigen Augenblick für immer fixiert und so aus der Zeit herausreißt, nicht das Individuelle, sondern die *Idee*, das Dauernde in allem Wechsel.” Schopenhauer, § 206.

to do something with it for my own interest, then I will place it back in the nexus of things, and along with it myself in the nexus of inclinations, purposes, and interests. It seems thus that the purified subject, according to Schopenhauer, is necessary for the aesthetic object to appear, or to be experienced, as an uncaused effect.

The Idea, Schopenhauer claimed, is persistent and unchangeable through all transformations of an aesthetic object. But is this not true of any object whatsoever insofar as in its many manifestations or modifications something remains constant by which we refer to the essence or idea of a thing? A thousand models of a car all include the car-ness as such, just as no matter how many years have passed since the making of an armchair, the chair-ness persists for all its changes. Schopenhauer is aware of this problem and offers a solution in order to differentiate aesthetic objects from all other objects. In arts we do not have, writes Schopenhauer, “the intertwinement of This Matter with This Form, which precisely makes for the concrete, the actually singular,” but the work of art “shows the Form alone, which already, when it is complete and comprehensive, would be the Idea itself.” And further: “This abstraction, this separation of the form from the matter, belongs to the character of aesthetic artwork [artifact], precisely because its purpose is to bring us to the (Platonic) Idea.”<sup>31</sup> To establish this characteristic of the aesthetic artefact as opposed to other artefacts, we need to clarify two ambiguities in the terms that Schopenhauer uses: form and matter. Each of these can have two meanings.

On the one hand, form signifies the shape or pattern of a thing, its *morphe* (μορφή), and hence its visibility to us. This recalls the second, formal kind of cause in Aristotle’s four causes, and in this respect, it is intertwined, as Schopenhauer remarked, in that out of which the thing is made, that is, its material cause. The human shape of a statue is carved out of a piece of marble

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<sup>31</sup> Schopenhauer, § 209.

as its matter. This optical sense of the form is indistinguishable from its matter, and it is no wonder that Aristotle tends to use the nameless expression “that out of which.”<sup>32</sup> On the other hand, form signifies the essence or idea (*εἶδος*) of the made thing, that which remains constant through all accidental, not substantial, changes of the thing. Aristotle writes, “By form I mean the essence of each thing and its primary substance.”<sup>33</sup> Here, the particular forms-as-shapes or *μορφαι* that a thing can assume do not change the form-as-essence of the thing. In this regard, the visible form (*μορφῇ*) of a thing appears in its being a *this* and not *that*, while the ideal form of a thing cannot be captured by a *this*.<sup>34</sup> This second notion of form operative in Aristotle and in metaphysical thinking in general involves its own notion of matter, this time not as something formless and thus unthinkable because imperceptible. Matter here can refer to materials, already formed, that become the object of form-giving in any kind of making, including art. Using metaphors, tropes, and images in poetry, or colors and shapes in painting, or rhythms and accords in music bear testimony to the presence of matter as materials. In this sense, for instance, in the *Poetics* Aristotle refers to plots or stories as the primary materials of poetics composition (tragedy) and characters, action, and reasoning as the secondary materials.<sup>35</sup> Therefore, when Schopenhauer says that the form of the matter in the artwork

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<sup>32</sup> For a recent take on this issue, see Thomas Ainsworth, “Form vs. Matter,” *The Stanford Encyclopedia of Philosophy* (Spring 2016 Edition), Edward N. Zalta (ed), <https://plato.stanford.edu/archives/spr2016/entries/form-matter/>.

<sup>33</sup> Otherwise, a pure matter without any form is designated by *ἡύλη* Aristotle, *Metaphysics*, 1032b2–3.

<sup>34</sup> *Poetics*, trans. Richard Janko (Indianapolis: Hackett, 1987), 49b25–51a35. For the highly debated question of the double meaning of form as *εἶδος* and *μορφή*, see Christopher p. Long, *Aristotle on the Nature of Truth* (Cambridge: Cambridge University Press, 2011), 183–185.

<sup>35</sup> A brief discussion of the different senses of matter can be found in Aristotle, *Metaphysics*, 1029a1–5. In his lectures on metaphysics, Adorno takes up the double sense of the concept of form in Aristotle and stresses that the latter tends to use them interchangeably. *Metaphysics*, [58]. For him, the mark of the traditional metaphysics in the west, following in the footsteps of Aristotle as its founder, is to prioritize the ideal form as what is essential above and over the material or empirical form. 60–61.

separates itself from the matter, it can be taken to deploy both senses of *Mateie* that I noted above: pure stuff and materials out of which the work organizes itself.<sup>36</sup>

A full account of most things requires going beyond their perceptible shape. Unlike a chair, the external form of a cell phone says next to nothing about what it is and what it is. It may only indicate its relation to human ear and mouth. The final cause or reason for explaining a volcanic eruption, cyclone, or animal, cannot take its point of departure from the immediately visible form-as-shape of them. How does the artwork stand to other things as to its form? One could say that the artwork makes it impossible to decide its final cause based on its formal cause. Or, in other terms, it becomes impossible to move from the formal constitution of the artwork, its morphological hanging-together of elements, to any purpose or end that can put the work in causal relations to other things or persons, and thereby give an account of it based on final causality. Moreover, unlike a machine, an organism, or any other complex structure whose external form does not capture its essence, the artwork possesses nothing but what appears to the observer through its external form, whether it be, like a movie, a novel, a musical piece, an unfolding in time such that the perception of the work requires going beyond its momentous observation, or, as in a painting or sculpture, the whole work is present at one time. In both cases, we deal with a complex form that does not betray any finality.

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<sup>36</sup> I gave an Aristotelian color to the view of form that Schopenhauer himself dubs as Platonic. When he talks of the separation of the Form of the aesthetic object from its matter, Schopenhauer might be referring to the Platonic notion of separation (*χωρισμός*). The same term, including its adverbial or prepositional form, appears several times in the *Aesthetic Theory*: “Art, *χωρίς* [separate or separately] from empirical reality, takes up a position against it” (“Kunst, *χωρίς* vom empirisch Daseienden, bezieht dazu Position”). *ÄT*: 16/*AT*: 7. See also *ÄT*: 124, 151, 185, 198, 297, 520.

Separation, in the context of Plato’s theory of Ideas, renders the Greek term *Chorismos*. This is one of the solutions that Plato offers in his theory of knowledge as a theory of the relation between particular sensible things and their universality. For instance, in *Phaedo* he deploys this to refer the divorce of soul from body. *Phaedo* 67d. However, it is highly debated how Plato’s *chorismos* is to be understood, that is, whether he speaks of an ontological, object, separation of things from their idea or whether this is merely an epistemological devise to clarify the relation between them. Grondin, following Gadamer, argues that the latter holds true and that Aristotle wrongly attributes the view of ontological separation to Plato. See Jean Grondin, *Introduction to Metaphysics: From Parmenides to Levinas* (New York: Columbia University Press, 2012), 272, n. 42. For a discussion of this concept in Plato, see Martin, Gottfried Martin, *Platons Ideenlehre* (Berlin: Walter de Gruyter, 1973), 157–169.

The following passage from the 1961 lecture demonstrates a core position in Adorno's aesthetic theory that is both in accord with the Idealist, Schopenhauerian view of form as disappearance of genesis or becoming and departs from it:

On the one hand, it [the artwork] is something that has come to be [a what-has-become: *Gewordenes*] and not something natural and is thus to be determined, in accordance with its own content, as such a what-has-become. On the other hand, it owes its substance to that through which it separates itself as what-has-become from that through which it came to be and into which it perhaps dissolves again in the age of technical mass production. And this moment, through which it now separates itself as what-has-become from that through which it has come to be, is precisely nothing other than the formal law [*Formgesetz*], and that is the ground of justification [*Rechtsgrund*] for why the analysis of the concept of form indeed belongs as the central moment in any aesthetics. (Vo61: 6404)<sup>37</sup>

Adorno agrees with Schopenhauer that the aesthetic object must suspend its unique position in time and place and the conditions of its coming to be through the independence that its form enjoys from its matter, that is, an independence from the causally determined facticity of empirical things. He departs from him, however, so far as Schopenhauer holds on to a transcendent sphere such as the ontologically realistic realm of the Platonic Ideas to secure the presence of a force in the object that holds its material, sensate manifold together in separation from its matter and renders it knowable or intelligible.<sup>38</sup> In this sense, Adorno is

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<sup>37</sup> "Einerseits ist er nämlich ein Gewordenes und nicht ein Natürliches und seinem eigenen Gehalt nach nur als ein solches Gewordenes zu bestimmen. Andererseits hat er seine Substanz an dem, wodurch er als Gewordenes von dem sich abhebt, wodurch er wurde und worin er vielleicht im Zeitalter des technischen Massenproduktion wieder übergeht. Und diese Moment, wodurch es nun als Gewordenes von dem sich abhebt, woraus er geworden ist, das ist nichts anderes eben als das Formgesetz und das ist der Rechtsgrund dafür, warum in eine Ästhetik die Analyse des Begriffs der Form eigentlich als das Zentrale hineingehört."

<sup>38</sup> Cf. the following passage: "If the Platonic ideas were existence-in-itself, art would not be needed; the ontologists of antiquity mistrusted art and sought pragmatic control over it because in their innermost being they knew that the hypostatized universal concept is not what beauty promises. Plato's critique of art is indeed not compelling, because art negates the literal reality of its thematic content, which Plato had indicted as a lie. The exaltation of the concept as idea is allied with the philistine blindness for the central element of art, its form" (AT: 83).

more of an Aristotelian. The form of the work, as the central moment of aesthetic analysis, is tightly connected to the material composition of the work. For him, “[A]rtworks surpass the world of things by what is thing-like in them, their artificial objectivation. . . . They are things whose power it is to appear. Their immanent process is externalized as their own act, not as what humans have done to them and not merely for humans” (AT: 80, 81/ÄT: 125).<sup>39</sup> We cannot, of course, pose the question as if it were the answer.

This takes us back to the key question of the aesthetics of autonomy: How does the object separate itself in virtue of its form in a lawful manner from its genesis? For a growing number of literary and aesthetic theoreticians, the question is not one of how but rather whether this is possible at all. For them, the artwork does not separate itself from its genesis, and if it is held to be able to do so, then one is caught up in an ideological framework.<sup>40</sup> Viewed in isolation from the other, social facticity moment, the separation moment would by necessity appear in an idealistic perspective without any remainder. And we should, perhaps, not be too quick to deny this tendency towards idealism at the very heart of Adorno’s aesthetic theory as well. But without entertaining some relation to idealism thus conceived, the separateness of the artwork would be out of question.

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<sup>39</sup> “Sie ueberfluegeln die Dingwelt durch ihr eigenes Dinghaftes, ihre artifizielle Objektivation. . . . Sie sind Dinge, in denen es liegt zu erscheinen. Ihr immanenter Prozess tritt nach aussen als ihr eigenes Tun, nicht als das, was Menschen an ihnen getan haben und nicht bloß für die Menschen.”

<sup>40</sup> For Hinz, autonomy is understood only as a “historically emerged phenomenon of artistic praxis and reflective philosophy of art,” whereas, “in terms of the epistemological necessity to banish it to the realm of metaphysics,” as a concept without any social empirical reality, autonomy is put in quotation marks. Berthold Hinz, “Zur Dialektik des bürgerlichen Autonomie-Begriff,” in *Autonomie der Kunst: Zur Genese und Kritik einer bürgerlichen Kategorie*, ed. Michael Müller et al (Frankfurt am Main: Suhrkamp, 1972), 173, n. 1. For Moi, “The doctrine of autonomy is culture-phobic.” An aesthetic theory needs, according to her, to adopt a culturalist position of sorts. “By culturalism, I mean all the various approaches to literature and other cultural objects that reject the autonomy of art in its modernist formulation and stress the cultural, historical, social, and political aspects of aesthetic phenomena, such as Marxism, feminism, new historicism, and cultural, postcolonial, and queer studies, as they have developed over the past twenty-five years. All these trends share an insistence on the cultural situatedness of all human forms of expression, which is entirely alien to the formalist veneration of art as sacred and transcendental, or as the purest form of negativity.” Toril Moi, *Henrik Ibsen and the Birth of Modernism: Art, Theater, Philosophy* (Oxford: Oxford University Press, 2006), 21–22. I believe the concept of cultural situatedness should be understood as a break with any notion of separateness of the artwork from its context of emergence.

To unpack this potential ambiguity, if not unclarity, in Adorno's work, I propose resorting once more to Moritz and the key point on which, in my view, the former agrees with him and reveals a deep Idealistic aesthetic commitment, at least insofar as the isolated moment of autonomy as separation through form is concerned. As the very title of Moritz's article, "The formative imitation of the beautiful" ("Die bildende Nachahmung des Schönen"), clearly suggests, aesthetic separation is made possible by imitating natural beauty. The act of making or forming the beautiful work of art is to create the same unbridgeable relation between emergence and effect of the beautiful as one finds in natural beauty. What testifies to the success of this making is the feeling of the pleasure that is specific to the completeness of the beautiful in nature. (And the facilitator of this peculiar act of nature-imitating making or this crafted imitation of nature is the figure of the genius.) For Moritz, to imitate nature is not to imitate its particular constructs or images; it is to imitate in the "existing totality" or the "relations of the big totality of nature" that we find mysteriously and unthinkably at work in the things complete-in-themselves, that is, the beautiful things. To summarize this relation between emergence and the completeness of the beautiful in art imitating nature, Moritz writes:

Since, however, those big relations, within the *full scope* of which precisely lies the beautiful, no longer fall within the reach of the thinking force, so also can the living concept of the artistic imitating of the beautiful take place only in the feeling of the active force that brings it about in the first moment of emergence, where the work, as already completed, all of a sudden appears, through all grades of its gradual becoming, in a dark apprehension before the soul, and in this moment of first generation, so to speak, before its *real* existence, it is already there; through which arises at once that unnamable allure that drives the creative genius to permanent making.<sup>41</sup>

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<sup>41</sup> "Da man aber jene grossen Verhältnisse, in deren *völligen Umfange* eben das Schöne liegt, nicht mehr unter das Gebiet der Denkkraft fallen; so kann auch der lebendige Begriff von der bildenden Nachahmung des Schönen, nur im Gefühl der thätigen Kraft, die es hervorbring, im ersten Augenblick der Entstehung stattfinden, wo das



Moritz takes pains to outline a structural, not representational, affinity between art and nature in which the generating act falls short of fully accounting for the generated work. The product remains obscure even to the creator, just as the beautiful products of nature are dark for the thinking force of the subject though they excite the feeling soul. But while obscurity in the case of nature relates both to generation and organization of the beautiful, in art we do know that the work is made by certain means and a maker. The Moritzian imitation of natural beauty must then refer only to the mode of organizing the work art. It does so in a set of terms that are useful not only to understand the Idealist aesthetic project but also the critique of this project in Adorno's aesthetic theory.

Moritz's view on imitation of nature finds an echo in Adorno's words, "Art does not imitate nature, not even individual instances of natural beauty, but natural beauty as such" (AT: 72/ÄT: 111). In the same vein, "Natural beauty is perceived both as authoritatively binding and as something incomprehensible that questioningly awaits its solution. Above all else it is this double character of natural beauty that has been conferred on art. Under its optic, art is not the imitation of nature but the imitation of natural beauty" (AT: 70–71/ÄT: 111–112).<sup>42</sup> The double character of what is beautiful in nature, being binding yet incomprehensible, corresponds to the Moritzian distinction between feeling and thinking power, and both refer

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Werk, als schon vollendet, durch alle Grade seines allmählichen Werdens, in dunkler Ahndung, auf einmal vor die Seele tritt, und in diesem Moment der ersten Erzeugung gleichsam vor seinem *wirklichen* Daseyn, da ist; wodurch alsdann auch jener unnennbare Reiz entsteht, welcher das schaffende Genie zur immerwährenden Bildung treibt." Moritz, *Die Signatur des Schönen*, 47.

<sup>42</sup> On the mechanism of imitating natural beauty in art, Iser notes that "the imagination creates appearances which, in turn, feature the presence of something nonexistent. It is the hallmark of the work of art that it provides appearance for something inconceivable, thereby endowing a figment with illusion." On the other hand, however, the imagination vanishes and therefore decomposes the illusion: "The outcome of this inherent interaction between producing and negating operations is semblance." Wolfgang Iser, "The Aesthetic and the Imaginary," in *The States of 'Theory': History, Art, and Critical Discourse*, ed. David Carroll (New York: Columbia University Press, 1990), 212.

back to the ability of the aesthetic object, having successfully imitated natural beauty, to surpass its own genesis or making. This makes up the fundamental position on art in Idealist aesthetics whose most lucid expression is to be found in Kant's idea of art in *Critique of the Power of Judgment*. For Kant, art is a made thing that appears like nature. This can be the case provided that, first, we are aware that the thing is art, namely the product of the “determinate intention of producing something,” and, second, we nonetheless regard the thing as if it were nature, “although of course one is aware of its art.”<sup>43</sup> How is the beholder supposed to unify these two perspectives, one falling for the natural appearance of the work and the other awakening to its being a made thing? The organization of the work offers the key.

## 2.2 Separation from Genesis as Organization

In our primarily phenomenological description of the work's separateness thus far one question has remained open: What is it in the artwork that enforces the separation and sustains it in the state of being separate? Note the grammar of the first part of the original passage at issue in this chapter where the artwork is defined “als eines von der empirischen Realität und damit dem gesellschaftlichen Wirkungszusammenhang sich Absondernden,” which, rendered literally, amounts to: “as one self-separating from empirical reality and the social nexus of effects.” Separation indicates an activity in the work devoted to organizing itself in a certain way. This “itself” is not just an empty space in which the work is recognized by a viewer and by which the viewer—even at a few feet away from the painting or the theater room—realizes that he or she is going to face an artwork. That is certainly one phenomenological sense of aesthetic separation. The “itself” is at once a bundle of sensate elements organized in the set apart frame of the work into a unity or synthesis. Synthesis is the result of the relation between

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<sup>43</sup> Immanuel Kant, *Critique of the Power of Judgment*, § 45, 185–186.

the moments of the work with each other (see Ä58: 330). The lineage of the term *Synthesis* used by Adorno sheds light on the self-activity of the artwork in its separateness. As it lists the aims of a treatise on poetics, Aristotle's *Poetics* opens with a reference to the importance of synthesizing in a successful poem, "To discuss the art of poetry in general, as well as the potential of each of its types; to explain the unity of plot required for successful poetic composition."<sup>44</sup> Two points deserve to be made here, one grammatical and the other theoretical.

The treatise starts by pointing to unity as the first and foremost feature of poetic composition (ποιητικός). This signifies the identity of the product as one singular thing organized after a plot or narrative or story (μῦθος). The word that Aristotle uses to refer to this unity is the infinitive of the verb συνίστημι in the middle/passive voice, συνιστᾶσθαι, meaning to put together, to organize, or to frame. That is the source of the English "synthesis." The middle/passive voice used by Aristotle is of importance for us here as it signifies that the poetic composition organizes itself in its own interest or for itself. Of course, because of the ambiguity of this voice, it can also be rendered as "being organized" by the poet. Wilson's remark on the use of this verb in Aristotle's meteorological writings stresses the middle voice rather than the passive voice, "As with συνιστᾶσθαι, it implies a self-gathering into one place of stuff that had been diffused throughout some mixture or that was potentially present in it. So in air, which has potentialities of wet and dry exhalation, whichever exhalation predominates will gather together in a mass."<sup>45</sup>

A good sense of the middle/passive voice can be given by recalling constructs in English such as "This book reads well" or "This wine tastes good." The real subject of reading the

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<sup>44</sup> Aristotle, *The Poetics* [1–6], trans. Richard A. Macksey, manuscript.

<sup>45</sup> Malcolm Wilson, *Structure and Method in Aristotle's Meteorologica* (Cambridge: Cambridge University Press, 2013), 66.

book and tasting the wine is the human individual, yet grammatically it is the objects themselves that appear to be doing something, that is, reading and tasting. This grammatical reversion of the agency of the act tells us something about the quality of the objects as if they were self-active. In the same sense, we can say of an artwork as an object that what it does is organize, organizing is what fundamentally characterizes it, so that we can say of it: It organizes well or It organizes poorly.<sup>46</sup> On such an account, a more literal translation of Aristotle's words in the first paragraphs of the *Poetics* runs thus: "[To analyze] how it demands [δεῖ] to self-organize the plots if the poetic making is going to hold fast beautifully." The rest of the *Poetics* is an effort to demonstrate what that demand for self-organization entails.<sup>47</sup>

Along Aristotle's account of synthesizing of plots as the self-activity of the poetic composition according to the demand of poetic success, we can get a better sense of synthesis in Adorno. Separation, he has argued, abides by the law of the form of the work in which disparate elements step into relation with each other. But which comes first? Is the synthesis the result of gathering the "plots" or is it the synthesis that gives the law according to which these are to be organized? This circular view suggests both that the relation between the individual elements comprises the wholeness of the work and that it is the whole that determines the individual elements. In order to get out of this circular view of the work, Adorno proposes the following heuristic way of looking at the formal law of the work: "In a good novel, somehow in the first sentence, I don't want to say every other word, but anyways

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<sup>46</sup> Valéry takes as the necessary, though not sufficient, condition of any art its ability "To organize a system of perceptible things." Paul Valéry, "The Idea of Art," *Aesthetics*, 73.

<sup>47</sup> ". . . καὶ πῶς δεῖ συνίστασθαι τοὺς μύθους εἰ μέλλει καλῶς ἔξαιεν ἢ ποιῆσαι." "The Poetics," *Aristotle: The Poetics*, "Longinus" *on the Sublime*, *Demetrius on Style*, Loeb, ed. T. E. Page (Cambridge MA: Harvard University Press, 1927), 47a8. On the importance of the verb δεῖ, Pepe notes that we can "recognize two overall guidelines for Aristotle's inquiry, i.e. a normative and a descriptive intent. The normative intention is perceptible behind his use of δεῖ: it is not a question merely of analyzing the stories but of indicating the way in which plots must be constructed if the poem is to be a success. . . . He frequently has recourse to δεῖ in the treatise, denoting his intention of prescribing, almost didactically, the rules of creating poetry." *The Genres of Rhetorical Speeches in Greek and Roman Antiquity*, Cristina Pepe (Leiden: Brill, 2013), 129.

the direction of the development [*Tendenz*], the construction of the whole [*Konstruktion des Ganzen*] must more or less be laid down” (Ä58: 330).

The first sentence—like that of Kafka’s *Metamorphosis* on how one morning Gregor Samsa woke up from unrestful dreams and found himself in his bed metamorphosed into a giant bug, or what Mrs. Ramsay says in response to her son in the opening paragraph of Woolf’s *To the Lighthouse*, “Yes, of course, if it’s fine tomorrow”—posits a direction towards which all other sentences to follow must orient themselves if they are to form themselves into a lawful synthesis of words. There is, however, no law determining what this opening sentence must be. The opening can be contingent, and indeed it does appear fully random to the novice reader, and it is only after he or she has read the entire book or listened to the entire musical piece that the necessity of the opening line will reveal itself. This, again, recalls the Aristotelian view of poetic composition (specifically, tragedy) having a beginning, a middle, and a conclusion, of which, however, the beginning, contrary to the other two parts, “does not of necessity follow something else, but after which there naturally is, or comes into being, something else.” The middle and conclusion always have to follow what precedes them if the poetic composition must be the “representation of a complete action.”<sup>48</sup>

Though in slightly different terms, a similar view of the wholeness of the work and its logical progression is advocated by Hegel. Although he does not speak of the beginning of a work, Hegel refers to the theme (*Thema*) of a work, that is, the simple, abstract foundation for the execution (*Ausführung*), which gives the concrete shape of the work as a synthesis.<sup>49</sup> This abstract theme makes for the content (*Inhalt*) of the work. The theme as such is universal and can thus be given, as in the example of a book, “in a few words or sentences,” and “nothing

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<sup>48</sup> Aristotle, *Poetics*, 50b26–28.

<sup>49</sup> Aristotle uses the term *sunolos* (σύνολος, of the same root as the verb συντιθέναι mentioned above) to refer to a thing as a concrete whole, such as the bronze statue. *Metaphysics*, 1029a3–4.

else ought to occur in the book other than that of which the universal has already been given in the content.”<sup>50</sup> The simple, abstract, and in fact subjective theme of a work then puts forward, according to Hegel, an “ought” (“Sollen”) on the basis of which the work sets out developing itself into something concrete. The ought in the abstract form of a theme gives the work its direction, and the reason why the work proceeds in that direction, writes Hegel, is that “[W]e are not content with this abstract form and demand something further. At first, it is only an unsatisfied need and something inadequate in the subject, which strives to supersede itself and to proceed to satisfaction.”<sup>51</sup> On this path of objectivation, the subjective force in the work encounters obstacles or limits (*Schranke*) that it has to overcome in order to find satisfaction in realizing itself. Why Hegel speaks of satisfaction lies in his notion of the free subject as that which is the total (*das Totale*) in the sense that the subject “is not this inner self alone,” that is, the universal theme or idea of the work, “but equally the realization of this inner through the outer and in it.”<sup>52</sup> The theme, in other words, demands to become a finished work.

The chief difference between Adorno’s view of the separating and self-organizing force in the artwork and Hegel’s view of the objecting force in it relates to the presence of a commanding universal theme in the latter and the absence thereof in the former. It is no accident that Adorno illustrates his view by speaking of the opening, fully contingent sentence of the work. In this way, *pace* Aristotle, the work has to build itself out of what it posits at its first step and then specifies itself further and further on that basis. Whether and how the

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<sup>50</sup> G. W. F. Hegel, *Ästhetik I/II*, ed. Rüdiger Bubner (Stuttgart: Reclam, 1971), 159; Translated by T. M. Knox, *Aesthetics: Lectures on Fine Art*, vol. 1 (Oxford: Clarendon, 1975), 95–96.

<sup>51</sup> “[S]o sind wir doch mit dieser abstrakten Form nicht zufrieden und verlangen nach Weiterem. Zunächst ist dies nur ein unbefriedigtes Bedürfnis und im Subjekt als etwas Ungenügendes, das sich aufzuheben und zur Befriedung fortzuschreiten strebt.” Hegel, *Ästhetik I–II*, 160.

<sup>52</sup> “[I]st das Subjekt das *Totale*, nicht das Innere allein, sondern ebenso auch die Realisation dieses Innern am Äußeren und in demselben.” Hegel, 161.

subjective force in the work succeeds in solving its problems, overcoming its obstacles, demands knowing the nature of those obstacles in concrete terms.

In *Aesthetic Theory*, a hypothetical scene of modern public life is conjured up that must have been an experience from his exile years in America. The scene best brings up art's double character from the standpoint of its social character. I cite the passage in full length:

Music, whether it is played in a café or, as is often the case in America, piped into restaurants for the guests, can be transformed into something completely different, of whose expression [*Ausdruck*] the hum of conversation and the rattle of dishes and whatever else becomes a part. To fulfill its function, this music expects the inattentiveness of its listeners no less than in its autonomous state it expects their attentiveness. A medley [*Potpourri*] is sometimes made up of parts of artworks, but through this montage the parts are fundamentally transformed. Functions such as warming people up and drowning out silence recasts music as something defined as mood, the commodified negation of the boredom produced by the grey-on-grey commodity world. The sphere of entertainment, which has long been integrated into production, amounts to the domination of this element of art over all the rest of its phenomena. These elements are antagonistic. The subordination of autonomous artworks to the element of social function buried within each work and from which art originated in the course of a protracted struggle, wounds art at its most vulnerable point. Yet someone in the café who is suddenly struck by the earnestness of the music and listens intensely may feel odd to himself [*alien to reality, realitätsfremd*] and find himself foolish to others. In that antagonism the fundamental relation of art and society appears in art. (Translation modified; AT: 253/ÄT: 375)<sup>53</sup>

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<sup>53</sup> "Musik kann, im Caféhaus gespielt oder, wie vielfach in Amerika, durch telefonische Anlagen für die Gäste von Restaurants übertragen, zu einem gänzlich Anderen werden, zu dessen Ausdruck das Gesumm Redender, das Geklapper von Tellern und alles Mögliche hinzugehört. Sie erwartet die Unaufmerksamkeit der Hörer, um ihre Funktion zu erfüllen, kaum weniger als im Stand ihrer Autonomie deren Aufmerksamkeit. Ein Potpourri addiert sich zuweilen aus Bestandteilen von Kunstwerken, aber durch die Montage verwandeln sie sich bis ins Innerste. Zwecke wie der des Anwärmens, der Übertäubung des Schweigens formen sie um, das, was man mit Stimmung bezeichnet, die zur Ware gewordene Negation der vom Grau der Warenwelt bereiteten Langeweile. Die Sphäre der Unterhaltung, längst in die Produktion eingeplant, ist die Herrschaft dieses Moments der Kunst über ihre Phänomene insgesamt. Beide Momente sind antagonistisch. Die Unterordnung autonomer Kunstwerke

The passage offers a notion of the social character of the artwork that manifests itself as a force resisting against the work's attempt to realize its aesthetic separateness. The friction between the external force and the work's own force takes the form of a conflict felt by listening to the musical piece. That is the place of the appearing of the conflict between what is expected of the musical pieces and what the piece itself expects if it is earnest and thus resilient. Aesthetic separation as the musical piece's autonomous state as much depends on the attentiveness of a subject, the café-dweller, as its external function invites distraction. If the café-dweller that is struck by the piece feels an antagonism—to the point of embarrassment, say, before his or her friends around the table —between the demand of sustained attention on the side of the work and the demands of socialization, of having fun, on the side of the café, then chances are that the work has a quality that goes beyond its function. If so, then the site of that conflict must be, not only the individual person that is struck by the music, but also the musical piece itself as the final line of the passage states, “In that antagonism the fundamental relation of art and society appears in art.”

The key point as regards the social character of art in the passage is that this character, manifested in the form of the distracting function of the piece, is nothing external to the piece, it is no quality imposed on it from without. Rather, it is “buried within every work.” If this functional moment devoted to distraction and mood-providing is realized through inattentiveness, then two conclusions can be drawn. First, the social character of the work tends to rule over the work once the work was experienced not in its wholeness but partially,

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unter das gesellschaftliche Zweckmoment, das in jedem vergraben ist und aus dem in langwierigem Prozeß die Kunst aufstand, verletzt sie an der empfindlichsten Stelle Wer jedoch etwa, vom Ernst einer Musik plötzlich betroffen, im Café sehr intensiv zuhört, mag virtuell sich realitätsfremd, für die anderen lächerlich benehmen. In jenem Antagonismus erscheint in Kunst das Grundverhältnis von ihr und der Gesellschaft.”



that is, as a medley or potpourri of elements. The work succeeds in separating itself from the context only in virtue of the experience of its wholeness. Second, the wholeness of the work, required for its aesthetic separation and its overcoming of the imposed social functions, needs an attentive subject to actualize the work by discerning the parts of the work from the medley of noises and turning them into a whole.<sup>54</sup> Adorno is clear on the role of the subject in realizing the synthesis that the work needs in order to claim its aesthetic separation. In a late 1950s lecture, he says:

This synthesis, I may remind you, is a spiritual synthesis. In the artwork the moments as such remain always separated, and you can only so much perceive of the artwork as a spiritual unity, as a nexus of meaning, as a structure as you in your own turn bring along a synthetic force vis-à-vis the artwork, that is, if I may say that in such an exaggerated manner, in so far as you are ready to once again actualize in yourself as the observer the same process that is present in the artwork as a potentiality in a congealed form. (Ä58: 295)<sup>55</sup>

It is the work itself that provides the ground for its being performed along or anew by the listener or reader or viewer. Rather than just arguing for a reception theory of the artwork, the alleged lack of which in Adorno's aesthetic thought has been criticized,<sup>56</sup> Adorno's recourse

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<sup>54</sup> As Paul Valéry says of the concept of attention, "Attention, link between the whole and the part." *Cahiers/Notebooks 3*, trans. Norma Rinsler, Paul Ryan, Brian Stimpson (New York: Peter Lang: 2007), 294, the 1927 entry. As Maurice Merleau-Ponty puts it, "a piece of music comes very close to being no more than a medley of sound sensations: from among these sounds we discern the appearance of a phrase and, as phrase follows phrase, a whole and, finally, as Proust put it, a world. . . . All I have to do here is listen without soul-searching, ignoring my memories and feelings and indeed the composer of the work, to listen just as perception looks at the things themselves without bringing my dreams into the picture." *The World of Perception*, trans. Oliver Davis (London: Routledge, 2004), 99–100.

<sup>55</sup> "Die Momente bleiben als solche im Kunstwerk stets doch getrennt, und nur soviel können Sie von dem Kunstwerk als einer geistigen Einheit, als einem Sinnzusammenhang, als einer Struktur wahrnehmen, wie Sie Ihrerseits dem Kunstwerk gegenüber an synthetisierender Kraft mitbringen, wie weit Sie also bereit sind, wenn ich es so übertrieben sagen darf, in sich selbst als Betrachter den Prozess noch einmal zu aktualisieren, der als Potential in geronnener Gestalt in dem Kunstwerk eben gegenwärtig ist."

<sup>56</sup> The most consistent figure in this respect is Jauss: "My criticism of Adorno's aesthetic was meant to introduce the attempt to justify aesthetic experience vis-à-vis a theoretical claim that neglects or suppresses the primary modes of this experience, especially its communicative efficacy, in favor of the highest level of aesthetic reflection." Hans Robert Jauss, *Aesthetic Modernity and Literary Hermeneutics*, trans. Michael Shaw (Minneapolis:

to the role of the subject serves to show that the autonomous artwork is not always-already fully objectified. If it were fully objectified, then the relations between the elements of the work would have obeyed the causality, as well as spatial-temporal structure, ruling over any other empirical object. This would have the work fall back into the causal nexus of other things, and thereby make impossible its claim to separation. But, on the other hand, the subject here is not to be viewed as an external force that is added to the work to make it wholesome, which would involve denying the work its claim to completeness. On par with Schopenhauer's pure subject, the listener's attentiveness simply enacts the non-material relations that already exist between the material parts of the work.

To avoid both pitfalls, the artwork must be a spiritual and not merely a material synthesis. In other words, the work is not materially completed; it is rather in need of being completed by its experience. It is spiritually completed insofar as it includes in itself the capacity to be experienced as a whole. This is in accord with the formal lawfulness of the work's synthetic unity. What enables the artwork to separate itself autonomously is neither perfection nor completeness.<sup>57</sup> To give substance to this conclusion, that is, the need for the subject to perform the whole-part relation in the artwork, I draw on a separately discussed example in *Aesthetic Theory* and bring it to bear on our café scene and its problematic.

Let us suppose that what is being played in the café is Beethoven's Piano Sonata in D-Minor, Opus 31, No. 2 ("*The Tempest*"), and that that is the object of the café-dweller's intense

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University of Minnesota Press, 1982), 21.

<sup>57</sup> Hans-Georg Gadamer offers an illuminating formulation on this issue. In a discussion of music and the circularity involved in understanding a musical product, he defines a construction or *Gebilde* as that which is not to be understood by appeal to its pre-planned completeness '*vorgeplantes Fertigsein*.' A *Gebilde* shapes itself from within itself into its own form through a process of being built up. So, it is both constructed and yet to be constructed: "The task is to build up in oneself what is already a construction, to construe what is not 'construed.' . . . Without the readiness of the receiver to become all ear, no poetical text would speak" ("Die Aufgabe ist, das, was ein Gebilde ist, in sich aufzubauen, etwas, was nicht 'konstruiert' ist, zu konstruieren – Ohne die Bereitschaft des Aufnehmenden, ganz Ohr zu sein, spricht kein dichterischer Text." Gadamer, "Text und Interpretation," in *Gesammelte Werke*. vol. 2. (Tübingen: Mohr, 1985), 358.

attention. The performance of the Sonata takes about twenty-five minutes, divided, according to the form of sonata, into three more or less equally long movements, Largo-Allegro, Adagio, and Allegretto. With regard to the second, Adagio movement Adorno writes:

The first thematic complex of that movement, which is of extraordinary, eloquent beauty, is a masterfully wrought mosaic of contrasting shapes that are motivically coherent even when they are registrally distant. The atmosphere of this thematic complex, which earlier would have been called mood, awaits -- as indeed all mood probably does -- an event that only becomes an event against the foil of this mood. The F-major [i.e. the second theme of the second movement] follows with a rising thirty-second note gesture. (AT: 285/ÄT: 424)

Now with regard to this second, F-major theme as well as the entire second movement of the Sonata, which can be taken as a part of the whole Sonata, Adorno suggests, in a passage written later in the course of the composition of the book, the following experiment:

It only requires playing the passage first in context and then alone to be able to recognize how much its incommensurableness, radiating over the passage, owes to the work as a whole. The passage becomes extraordinary because its expression is raised above what precedes it by the concentration of lyrical, humanized melody. It is individuated in relation to, and by way, of the totality; it is its product as well as its suspension (AT: 188).

Taken alone, the Adagio movement offers just a beautiful melody in its second theme. This not very extraordinary melodic passage may fit very well into the atmosphere of a café. The passage may stand out for any number of reasons amid the medley of the hum of conversations and the rattle of dishes. Someone sitting in the café may catch the melody as he or she goes on eating or talking. This means concretely that the passage in itself can be beautiful, pleasing. Taken as a part of a configuration of notes the realization of which would

require attention to the Sonata in its entirety, however, the passage will become more than, or different from, what it immediately offers to the café dweller: it steps into a peculiar relation to what came before, that is, in the first movement, which was a complex exposition of Largo-Allegro and Adagio themes to be developed in the remaining two movements. The second movement, with its delightful melody, responds to the first, as if showing awareness of what precedes it. To grasp this response we need to adopt an “external vantage point” towards this thematic passage, seeing it, so to speak, from the perspective of the entire unfolding of the music thus far.

In the combined examples of the café and the Beethoven sonata, the musical piece comes into conflict with the context of its reception when the piece’s claim to autonomy resists being subordinated to its embedded functionality on account of the beauty of its Adagio movement. So far, we have concluded that the artwork betrays its social character only in its disintegrated status thanks to defective reception. This implies that in its lawfully synthesized, wholesome unity the artwork will be able to shake off all its social character and fully separate itself from social nexus of effects. If it is thanks to the unity of attending and separating, in a manner reminiscent of Baumgarten’s thesis, that the artwork realizes its autonomy in competition with the social function buried within its own structure, then a further question emerges: Wherein does the source of the lawfulness lie with which the form severs the whole work from empirical reality and thereby from social nexus of effects within which it is situated? A deeper conception of the social holds it to nest in the very formal separation of the artwork. The social constitutes a character of the work.

### § 3 ANALYTIC OF THE SOCIAL: FORM AS REPETITION

The second part of Adorno's formulation on art's double character determines autonomous art as something that "falls at the same time into the empirical reality and the social nexuses of effects." This second character of art brings up its belonging to a context, rather than its separation from it. Adorno holds art to be a social fact. He tends to use the French expression *fait social* (AT: 5/ÄT: 16; AT: 229/ÄT: 340), thereby betraying the lineage of this concept in the work of Émile Durkheim. The latter's definition runs thus: "A social fact is any way of acting, whether fixed or not, capable of exerting over the individual an external constraint; or: which is general over the whole of a given society whilst having an existence of its own, independent of its individual manifestations."<sup>58</sup> To rephrase Durkheim's own examples of social fact, when I speak English or use the currency of the dollar in the U.S., individual instances of my uttering a sentence or my buying an item are made possible by the relations of that language and this currency. I cannot change the syntax or coin idiosyncratic words or come up with a banknote of my own choice without disrupting the communication or making impossible the exchange. There is no self-rule with a social fact, for "it asserts itself as soon as I try to resist it."<sup>59</sup>

If the artwork is a social fact, then as a product of making and of labor it cannot be autonomous in the sense of being able to separate itself from ways of acting, making, and existing in society. The claim of the social facticity moment precisely consists in denying the aesthetic form any separateness from its genesis. According to the antithetical determination of art as a social fact, the work of art falls back into both the empirical reality and the social nexus of effects. The former states that the work is a thing among other things, hence bound

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<sup>58</sup> Émile Durkheim, "What is a social fact?" in *Rules for Sociological Method*, ed. W. D. Halls (New York: FP, 1982), 59.

<sup>59</sup> Durkheim, 51.

up with time and place and in causal relation with other things. The latter, following Dilthey's definition quoted earlier, states that the artwork is a member of the circular, self-centered historical world of values, purposes, and functions, thus nothing essentially separate from it.

The trouble with the way we laid down the separation of the artwork through form as its moment of autonomy is that it might appear as an unchangeable definition *a priori* of the autonomous artwork, independent and before its appearance on the scene. Indeed, the transcendental aspect of Adorno's idea of art as formal separation hands us such a definition. What this definition fails to deliver on its own is, firstly, to show whether art can do so always and under all historical circumstances, and, secondly, the nature of that from which the work separates itself. In the preceding part of this chapter, separation was considered in a fashion principally tangential to history such that our discussion presupposed the possibility of separation under all conditions, from Aristotle to Kafka. All the same, such a definition fails to address the coming-to-be of autonomy. The real conditions of the formal separation of the aesthetic object find no treatment in the tradition of Idealist aesthetics from Moritz to Schopenhauer. This is the point where Adorno departs from that tradition. We need to demonstrate why the aesthetic needs to concern itself with the real conditions of aesthetic separateness.

My contention is that the real conditions both serve as the context from which the artwork formally and lawfully separates itself, as argued earlier, and simultaneously function as conditions that make possible a successful aesthetic separation. I do not intend here to offer an archival, sociological, psychological, or historical account of the rise of art's autonomy, which surpasses the scope of this dissertation. My aim is to incorporate the determining force of those real, that is, extra-aesthetic conditions into the constitution of the artwork only through the extra-aesthetic forms of the fetish and the commodity, both being specifically

modern phenomena. My discussion of real conditions in relation to formal conditions proceeds on its own part in a formal, or shall we say ideal, manner. Commodity is to be treated as a structure within which the artistic production, as a social production, occurs. In Marx's terms, commodity is the universal form that all products assume in the capitalist mode of production. Modern autonomous artwork cannot help but mimic the form of commodity, behave and be treated like a fetish, if it must reclaim its autonomy, "[C]ommodity production not only migrates into artworks in the form of a heterogeneous life but indeed also as their own law" (AT: 223/ÄT: 335); they have a "latent commodity form" (AT: 237/ÄT: 352), for "[T]he emancipation of art was possible only through the appropriation of the commodity character, through which art gained the semblance of its being-in-itself" (AT: 239/ÄT: 355). The semblance of being-in-itself, effected by the act of formal separation, is shared by the artwork with the commodity and the fetish.

Both fetish and commodity are historically determined forms that at the same time appear to be not made, tending to conceal their fact of being products of human labor. It was Karl Marx who grasped the structural and historical unity of the fetish and the commodity. In a 1938 essay, Adorno summarizes Marx's famous, extensively discussed definition of the fetish character of commodities as "veneration of the self-made" (GS: 14, 24).<sup>60</sup> He uses the same terms in the early introduction to *Aesthetic Theory* to relate the fetish character and aesthetic separation, "The quality of artworks depends essentially on the degree of their fetishism, on the veneration that the process of production pays to what lays claim to being self-produced" (AT: 341/ÄT: 507). As this passage points out, fetishism resembles in its structure that of aesthetic separation in that it lays claim to the causal independence of the product from the

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<sup>60</sup> "Veneration des Selbstgemachten." For recent discussions of Marx's understanding of fetishism, in his prime years and in *Capital I*, see Kohl, 91–98, Iacono 103–131, and Hartmut Böhme, *Fetishism and Culture: a Different Theory of Modernity*, trans. Anna Galt (Berlin: Walter de Gruyter, 2014), 223–256.

act of production. It is in virtue of this separation that the product can *appear* as self-made or self-produced. The theoretical claim behind Adorno's turn to the fetish object is that a separation that does not show awareness of its own conditions of genesis would fall back into the domain of fetishism, even though the fetish character is an inevitable condition for the rise of the autonomous artwork.

In the following pages, I proceed to examine the ways that the work of art fails to separate itself from its genesis by showing how it is bound to repeat both the fetish form and the commodity form. In these two forms, what is decisively wanting is an internal organizational principle to bring together all elements of the object in a manner that would secure its aesthetic separation from its context, even though the effect of both forms nonetheless approximates that of aesthetic separation: uncaused effect. Examining the moment of autonomy from the perspective of its social facticity invites an external view of the artwork, just as in the previous moment we adopted an internal one.

### 3.1 Repetition of Genesis: The Fetish Form

In the Draft Introduction to *Aesthetic Theory*, omitted from the final version, Adorno writes, "Only through fetishism, the blinding of the work vis-a-vis the reality of which it is part, does the work transcend the spell of the reality principle as something spiritual" (AT: 341/ÄT: 506).<sup>61</sup> Spiritual here is defined as the result of the artwork separating itself from its context, appearing as an uncaused effect. The metaphor of blindness helps work out the indifference of the artwork as something spiritual toward its surroundings, a blindness nevertheless that does not debilitate the work. On the contrary, the work acquires liveliness, becomes spirited,

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<sup>61</sup> "Allein durch den Fetischismus, die Verblendung des Kunstwerks gegenüber der Realität, deren Stück es selber ist, transzendiert das Werk den Bann des Realitätsprinzips als eine Geistiges."



in virtue of its ability to persevere in freedom from the causal, functional, purposive demands of the external world. If in Hegel's memorable description, the artwork is an Argus with a thousand eyes "with which the inner soul and spiritedness are seen at all points," for Adorno it has no eye for what is outside of it.<sup>62</sup>

Elsewhere in the *Aesthetic Theory*, spirit in the works of art is brought to bear upon their fetish character thus:

Spirit in artworks is posited by their structure, it is not something added from outside. This is responsible in no small way for the fetish character of artworks: Because their spirit emerges from their constitution, spirit necessarily appears as something-in-itself, and they are artworks only insofar as spirit appears to be such. Nevertheless artworks are, along with the objectivity of their spirit, something made. Reflection must equally comprehend the fetish character, effectively sanction it an expression of its objectivity, and critically dissolve it. To this extent an art-alien element, which art senses, is admixed to aesthetics. (AT: 183–184/ÄT: 274)<sup>63</sup>

The optical strategy adopted by Adorno in this passage generates a double view of the artwork. In one view, the work appears as an uncaused effect, something spiritual that appears to rest in itself because its spiritual effect arises from the organization of elements of the work alone. It is an effect of the work's constitution. In another view, which looks at the work from a certain distance, this very spiritual resting-in-itself of the work emerges as its fetishistic character, that is, as something obviously made that nevertheless appears not to be made. From an external view, a work of art is bound to appear as a fetish. Adorno's theory of fetish

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<sup>62</sup> Hegel, *Ästhetik I/II*, 232; *Aesthetics: Lectures on Fine Art*, vol. 1, 153–154.

<sup>63</sup> "Geist in den Kunstwerken ist kein Hinzutretendes, sondern von ihrer Struktur gesetzt. Das ist zu nicht geringem Grad für den Fetschcharakter der Kunstwerke verantwortlich: indem ihr Geist aus ihrer Beschaffenheit folgt, erscheint er notwendig als Ansichseiendes, und sie sind Kunstwerke nur, wofern er so erscheint. Dennoch sind sie, samt der Objektivität ihres Geistes, ein Gemachtes. Reflexion muß den Fetschcharakter ebenso begreifen, als Ausdruck ihrer Objektivität gleichsam sanktionieren, wie kritisch auflösen. Insofern ist der Ästhetik ein kunstfeindliches Element beigemischt, das die Kunst wittert."

is not novel unless viewed from the standpoint of the constitutive role that he takes it to play for autonomous form in bourgeois society. To examine the structure of the fetish, I draw on the work of William Pietz and his thesis on the fetish as a “radically historical object.”<sup>64</sup>

The merit of Pietz’s thesis for our topic here lies with its success in showing how the rise of the fetish in modern Europe was intertwined with the rise of commercial culture and commodity production, especially at its borders with non-European regions. In formulating his main argument on the rise of the fetish he writes:

The fetish, as an idea and a problem, and as a novel object not proper to any prior discrete society, originated in the cross-cultural spaces of the coast of West Africa during the sixteenth and seventeenth centuries. While I argue that the fetish originated within a novel social formation during this period through the development of the pidgin word *Fetisso* this word in turn has a linguistic and accompanying conceptual lineage that may be traced. *Fetisso* derives from the Portuguese word *feitiço*, which in the late Middle Ages meant ‘magical practice’ or ‘witchcraft’ performed, often innocently, by the simple, ignorant classes. *Feitiço* in turn derives from the Latin adjective *facticius*, which originally meant ‘manufactured.’<sup>65</sup>

In its simple structure, the fetish is a manufactured, material object that is taken to possess transcendent or non-material qualities. In this respect, fetishes belong with the class of sacred, magical things, even though they constitute their own peculiar species of sacred artifacts.<sup>66</sup> The

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<sup>64</sup> William Pietz, “The Problem of the Fetish, I.” *RES: Anthropology and Aesthetics*, no. 9 (1985): 5–17, [www.jstor.org/stable/20166719](http://www.jstor.org/stable/20166719), 7.

<sup>65</sup> Pietz, 5.

<sup>66</sup> Following Charles de Brosses, the first modern theoretician of fetishes and fetishism, Iacono notes that one major point of distinction between a fetish and an idol for worshiping is that “fetishes do not possess any symbolic or representative power, and if they do, it is only at a primordial level.” Fetishes predate idols in the development of religions. Alfonso M. Iacono, *The History and Theory of Fetishism*, trans. Viktoria Tchernichova and Monica Boria (Houndmills, Basingstoke: Palgrave Macmillan, 2016), 16. For the place of fetishes in sacred objects, see Karl-Heinz Kohl, *Die Macht der Dinge: Geschichte und Theorie sakraler Objekte* (München: Beck, 2003), 13–18. For a thorough essay on Charles de Brosses’ account of the fetish, see Rosalind C. Morris, “Fetishism [Supposing that It Existed]: A Preface to the Translation to Charles Brosses’s *Transgression*,” *The Returns of Fetishism: Charles de Brosses and the Afterlives of an Idea*, trans. Rosalind C. Morris and Daniel H. Leonard (Chicago: University of Chicago Press, 2017), vii–xvi.

conceptions of fetishes emerged out of “concrete problems faced by merchants on the African coast. They were shaped and articulated with each other as much out of the practical experiences and presuppositions of these merchants as by these men’s objective observations of the alien practices of African societies.”<sup>67</sup> Pietz also notes the presence of a double problem or double perversion faced by the merchants of African “fetishes”: commercial exchangeable objects, and sacred, social, personal objects for the locals.<sup>68</sup> Therefore, “the fetish could originate only in conjunction with the emergent articulation of the ideology of the commodity form that defined itself within and against the social values and religious ideologies of two radically different types of noncapitalist society, as they encountered each other in an ongoing cross-cultural situation.”<sup>69</sup> It is not entirely accurate to call both societies noncapitalist. While capital was yet to settle in Europe as a result of the rise of wage labor and changes in ownership of landed property, the presuppositions for a capitalist mode of production were already appearing on the scene (as I will discuss in chapter four). In any case, the double constitution of the fetish on account of the placement in two different domains, as an African supernatural object and as a European manufactured commodity, makes it hard to grasp it in a unifying concept. Duality is inherent in its emergence and in its existence. It is a made thing that claims not to be made, a cultural object that claims to be natural or divine.

The fetish object does not seem to care much about this dual aspect of its own; it stubbornly clings to its transcendence, which it does not owe to its own constitution, for any object can turn into a fetish. Randomness is a defining feature of fetish objects.<sup>70</sup> The worshiper of the fetish objects knows of no reasons to reflect on the fact that those objects

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<sup>67</sup> William Pietz, “The Problem of the Fetish, II: The Origin of the Fetish.” *RES: Anthropology and Aesthetics*, no. 13, 1987: 23–45 [www.jstor.org/stable/20166762], 44.

<sup>68</sup> Pietz, “The Problem of the Fetish II,” 45.

<sup>69</sup> Pietz, “The Problem of the Fetish I,” 7.

<sup>70</sup> Peitz, “The Problem of the Fetish II,” 23, 40, 43, 45.

are manufactured by fellow human beings. For the fetish worshiper there is no conflict between the two aspects of the fetish. Such a conflict may be the case when it comes to religious relics, with the key difference that here the figure of a prophet, a saint, or Jesus Christ for that matter, serves as the mediator to help unify the utterly trivial aspect of a lock of hairs as a sacred object and its wholly transcendent value. As the endless theological debates among the Early Fathers bear testimony, a similar tension between the two aspects of the fetish object reiterates itself here between the two dimension of the person of Christ as both wholly divine and wholly human.<sup>71</sup>

In spite of the structural affinity of the fetish and the artwork, the dual constitution of the separated object does become a problem in the case of the artwork. If according to its idea, in Kant and Idealist aestheticians, art is something intentionally manufactured that nevertheless appears as naturally emerged, then awareness of its being a made thing is essential to its reception. Unlike the worshiper of the fetish, the viewer of the artwork must come to terms with two aspects of its object of contemplation, a trial all the more daunting for the observer of modern art where, in the famous opening line of *Aesthetic Theory*, “[N]othing concerning art is self-evident anymore, not its inner life, not its relation to the world, not even its right to exist” (AT: 1/ÄT: 9).<sup>72</sup> Self-evident here means that there are conventional ways by which the dual aspects of the work, its fact of being made and its separation from its context of making,

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<sup>71</sup> For an examination of this problem, see Oliver D. Crisp, *Divinity and Humanity: The Incarnation Reconsidered* (Cambridge: Cambridge University Press, 2007), 1-34. Since the problem arises against the foil of the event of incarnation, or the divine becoming flesh, the relation to the artwork as having a material body that is at once non-material become clear. Galleries and museums usually put up a sign with the imperative “Please Do Not Touch!” This is a meaningful injunction, for there is nothing to be found by touching the body of art and yet the “philistine” desire (AT 10) to touch the body of the artwork signals the observer seeking to find the answer to the question, What is this thing? in the thing itself. This effort is both justified though futile. This also refers back to theology. Giselle de Nie brings the concept of touching to bear upon the relation of the believer to the person of Christ, “Tangere autem corde, hoc est credere: Augustine on ‘Touching’ the Numinous,” in *How the West Was Won: Essays in Literary Imagination, the Canon, and Christian Middle Ages* for Burcht Pranger, ed. Willemien Otten, Arjo Vanderjagt, and Hent de Vries (Leiden: Brill, 2010), 283–300.

<sup>72</sup> “Zur Selbstverständlichkeit wurde, daß nichts, was die Kunst betrifft, mehr selbstverständlich ist, weder in ihr noch in ihrem Verhältnis zum Ganzen, nicht einmal ihr Existenzrecht.”

find reconciliation in the experience of the viewer. Adorno finds a paradox here, “Fetishization expresses the paradox of all art that is no longer self-evident to itself: the paradox that something made exists for its own sake; precisely this paradox is the vital nerve of new art” (AT: 22/ÄT: 41).<sup>73</sup>

The paradox of a made thing appearing as not made finds its expression in fetishism, which signifies that if the aesthetically made thing does not solve its paradox, if it fails to find a way to arbitrate its dual aspects, it would fall back into a fetish object. In this respect, Adorno elsewhere refers to the pathology of an absolutized separation, “During the nineteenth century aesthetic semblance was heightened to the point of phantasmagoria. Artworks effaced the traces of their production, probably because the victorious positivistic spirit penetrated art to the degree that art aspired to be a fact and was ashamed of whatever revealed its compact immediateness as mediated” (AT: 102/ÄT: 157).<sup>74</sup> If being mediated indicates the condition of being made, the immediateness effects the liberation from any trace of that condition. Adorno speaks of a heightened aesthetic semblance in the sense that the appearance of being not made assumes a full illusory character paid for by deceitfully concealing the fact of being produced.<sup>75</sup>

The reason why the ways of making something into an apparently non-made, namely artistic creation, have lost their self-evident character as art and contributed to fetishization of works of art, cannot be accounted for by the form of the fetish alone. We need to consider

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<sup>73</sup> “Fetischisierung drückt die Paradoxie aller Kunst aus, die nicht mehr sich selbstverständlich ist: daß ein Gemachtes um seiner selbst willen sein soll; und gerade jene Paradoxie ist der Lebensnerv neuer Kunst.”

<sup>74</sup> “Der ästhetische Schein hatte im neunzehnten Jahrhundert zur Phantasmagorie sich gesteigert. Die Kunstwerke verwischten die Spuren ihrer Produktion; vermutlich weil der vordringende positivistische Geist der Kunst insofern sich mitteilte, als sie Tatsache sein sollte und dessen sich schämte, wodurch ihre dichte Unmittelbarkeit als vermittelt sich decouvriert hätte.”

<sup>75</sup> This phenomenon was documented by Richard Wagner in the concept of *Effekt* as the outcome of a mechanistic device in such a manner as to fully conceal the contribution of that device. It is an effect without a cause (“Wirkung ohne Ursache”). See Richard Wagner, *Oper und Drama*. In *Dichtungen und Schriften*, vol 8, ed. Dieter Borchmeyer (Frankfurt: Insel Verlag, 1983), 98.

historical means by which the structure of the fetish as a religious object has found its way into the ways of making and producing as broadly as possible. Otherwise, the fetishization of the artwork would be reduced to an anthropological or psychological phenomenon on the side of art's audience. The fetish character requires a vehicle to arise as an actually present force coercing the works of art, to become a necessary objective determination of them insofar as they are products of labor.

The commodities, in Marx's words, tend to make it appear as though "the relationships between the producers, within which the social characteristics of their labor are manifested, take on the form of a social relation between the products of labor" (C: 164). The commodity behaves like the fetish object insofar as it lays claim to its being self-made and not the product of labor. In the same way, writes Adorno, "The semblance character of the artworks, the illusion of their being-in-itself, refers back to the fact that . . . , in Marxian terms, they necessarily reflect a relation of living labor as if it were objectified" (Translation modified; AT: 169/ÄT: 252).<sup>76</sup> If the absence of awareness of its real conditions of genesis marks the fetish and the commodity, then the artwork must turn against its fetish character if it is to follow through its claim to aesthetic separation. If not, it would not successfully separate itself from society's nexus of effects. Adorno then adds that "in its most unguarded manifestations art has always revolted against this, and today this revolt has become art's own law of movement."<sup>77</sup> This statement remains true to what Adorno previously defined as the

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<sup>76</sup> "Der Scheincharakter der Kunstwerke, die Illusion ihres Ansichseins weist darauf zurück, daß sie . . . , marxisch gesprochen, ein Verhältnis lebendiger Arbeit notwendig so zurückspiegeln, als wäre es gegenständlich."

<sup>77</sup> It cannot be denied that from a perspective external to the cultural domain of western Europe, the phenomenon of the autonomy of art might be seen as essentially fetishistic. In a manner non unsimilar to Pietz's theory of the fetish, Jusdanis offers an example of the 'emergence' or becoming of the autonomous art to undermine its imperialistic political and cultural function in modern Greece with regard to western Europe. See Gregory Jusdanis, *Belated Modernity and Aesthetic Culture: Inventing National Literature* (Minneapolis: University of Minnesota Press, 1991), 88–21. By contrast, Lisi offers an immanent counterpoint to the cross-cultural function of autonomy in Scandinavian literature and shows how the very relation of "dependence" to the birthplace of autonomous art becomes an internal moment of a new regime of the aesthetic. See Leonardo F. Lisi, *Marginal*

specificity of art, namely its separation from what brings it about. Art has always separated itself from its context, so goes Adorno's claim about what art is. Yet, in a historical amendment to that statement, it is specifically the art under the condition of universal commodification that turns its revolt against its own fetish character into its main tactic for securing aesthetic separation in distinction both from the fetish object and from commodity.

### 3.2 Repetition of Genesis: The Commodity Form

Let us return once again to the café scene where a musical piece, the Beethoven Sonata, was being played. What helped the Beethoven Sonata separate itself from the context of the café and the functions of entertaining or mood-making that it demanded from the piece was its formal organization of elements according to an internal lawfulness. In a 1956 fragment for an unfinished book on Beethoven, still removed from the positions characteristic of *Aesthetic Theory*, we read:

Music, before the bourgeoisie's emancipation, had an essentially disciplinary function. Afterwards, it became autonomous, centered on its own formal laws, heedless of effect—a synthetic unity. But these two destinies mediate each other. For the formal law of freedom, which determines all moments and thus entirely circumscribes aesthetic immanence—is nothing other than the disciplinary function turned inwards, reflected, wrenched from its immediate social purpose. It might be said that the autonomy of the art-work has its source in heteronomy, much as the freedom of the subject arose from lordly sovereignty. The force enabling the work of art to constitute itself and dispense with a direct outward effect, is the force of this same effect in altered form; and the laws to which it relates is no other than that which it imposes on others. . . . Autonomous music is not *absolutely* cut off from the context of effects: it *mediates* this context through its formal law.<sup>78</sup>

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*Modernity: The Aesthetics of Dependency from Kierkegaard to Joyce* (New York: Fordham University Press, 2013).

<sup>78</sup> Th. W. Adorno, *Beethoven: The Philosophy of Music*, trans. Edmund Jephcott (Cambridge, UK: Polity, 2007), 42.

The crux of the claim in this passage is that the autonomous form is indebted to the social context of its emergence at a level far deeper and more abstract than the immediate particular social purposes and functions with which the synthetic unity of the form breaks away. On one level, the work succeeds in divorcing itself from any immediate functions, whereas on another, it fails to do so. If in the café example, the social character manifested itself in isolated parts of an otherwise wholesome work, imposing itself on the work once it was experienced partially, the claim here is that the work in its very wholesome, autonomous, separated status follows society. The social is present in the form of the work, the same form whose function it was, in *Aesthetic Theory*, to separate the work from society's nexus of effects. What the passage calls "the formal law of freedom" makes up the aesthetic rationality of the work, which has a determinatory power subordinating all elements to itself.<sup>79</sup> It is by force of this power that the work can "constitute itself and dispense with a direct outward effect," and it is the same power that enabled Beethoven's Piano Sonata in its rational construction to guard itself against being reduced to the isolated humane melody of its second movement. Yet, there is another, reverse move in the passage as well. This runs from the sealed-off unity of the work back to that against which the work composes itself: the formal law of the work repeats the social law of producing and organizing objects.

If the autonomous work dispenses with any "immediate social purpose" or "direct outward effect" and still preserves its social character in its form, then we deal here with a technically abstract notion of the social. Abstract because the social here is not equated with this or that purpose, this or that effect, but with having an effect as such, or having a purpose as such. In

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<sup>79</sup> On the rationality of construction in the sense of determinatory power, see Günter Figal, *Theodor W. Adorno: Das Naturschöne als spekulative Gedankenfigur, zur Interpretation der Ästhetischen Theorie im Kontext philosophischen Ästhetik* (Bonn: Bouvier, 1977), 55–56.



order for the social to achieve this level of abstractness it must negate its identity with any particular function. A musical piece, in this way, is not there for the sake of a mass ritual in the church, nor for providing mood in a café, nor to warm up a dinner party or to boost a political rally, nor to recreate the joy of previous, familiar artistic forms. It is neither committed to society nor to its own history. The musical piece does not take any specific functional form as far as any existing functional form is external to the structuring principle of the artwork. On Adorno's account such a retreat or freedom from functional forms has not always been possible. It has an historical essence that can be traced in the trajectory of modern art. The transition from Expressionism to the New Objectivity (*die Neue Sachlichkeit*) in the early-twentieth-century Germany is a case in point that he first outlines in his 1958/59 lectures on aesthetics.

The two movements represent for Adorno principles constituting poles that presuppose one another: expression and construction. The subject's free expression in the work of art is the guiding principle in Expressionism.<sup>80</sup> This purified the aesthetic materials from all conventional conditions, having moved beyond all traditional, inherited forms and formal determinations, "The material has now become directly at the disposal of the subject" (Ä58: 103). The artist thus became the sovereign in his or her domination over the materials. By turning the material into pure nature, purified supposedly of unoriginal formal determinations, the subject as artist turned it at once into a pure matter (*Stoff*) which it now could treat at pleasure. Therefore, the principle of expression produces an object that is ready for construction based on the formal properties of the materials without the meddling of

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<sup>80</sup> For a selection of key statements of some of the leading Expressionists in early-twentieth-century German art, specially those of the group *Der Blaue Reiter* ("The Blue Rider") founded by Wassily Kandinsky and Franz Marc in Munich in 1911, see *Voices of German Expressionism* ed. Victor H. Miesel (Eaglewood Cliffs, NJ: Prentice Hall, 1970), 43–88.

traditional forms. Adorno defines construction as the outcome of Expressionism thus, “[T]he set-free form that is stamped on the material by a free and, if you want, sovereign subject” (Ä58: 108).

On the other hand, construction itself, not subjective expression, is the principle of the New Objectivity. Here, it is the object itself that has priority over and beyond the intentions, purposes, and expressions of the subject. But the material for an Objective construction could only be furnished by the Expressionistic breaking away with the traditional notion of form in which the artists were supposed to fulfill rules of composition. The New Objectivity needed the kind of form in relation to which the artistic subject could have full freedom. The significance of the New Objectivity for Adorno has to do with the freedom with which the artist entrusts himself or herself to “what the matter demands purely out of itself, without arrogance, without vanity and with the utmost concentration” (Ä58: 108).<sup>81</sup> This makes for a higher instance of art’s autonomy, for the artist’s relation to materials enjoys a double freedom, namely, freedom from traditional forms of the artistic object, which is made possible in the Expressionism, and freedom from the whims of the artistic subject. To describe this double freedom, Adorno in a different context borrows from Hegel the expression “freedom toward the object” (“Freiheit zum Objekt”), “The freedom of thought in forgetting itself in the matter at hand and in changing itself” (GS 10.2: 579).<sup>82</sup> In a seemingly paradoxical manner, therefore, the artist is free to bind himself or herself to the demands of the materials themselves. As Hulatt puts it, “The artwork’s constitutive principle is nothing other than the treatment of

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<sup>81</sup> “die Freiheit, dem, was die Sache rein von sich aus will, ohne Hochmut, ohne Eitelkeit und mit der äußersten Konzentration sich zu überlassen.” For a similar discussion of the relation between Expressionism and the New Objectivity, see AT: 44–45, 114–115, 155, 229, 539.

<sup>82</sup> “[D]ie des Gedankens dazu, in der Sache sich selbst zu vergessen und sich zu verändern.” “Meinung Wahn Gesellschaft,” For other instances of the usage of the expression, see *Negative Dialektik*, GS 6: 38, 58; ÄT 33, 410; GS 8: 259; GS 11: 162, 395, 524; GS 14: 377.

authentic materials without reference to anything but their formal properties. As such, the artwork is entirely autonomous *considered from the perspective of its constitutive processes.*"<sup>83</sup>

We should bear in mind that on account of its claim to autonomy, the technically well-constructed artwork is all along busy organizing itself in opposition to external functions and effects. The product must by definition be purposeless. Purposeless in the sense that the means-end relations between the elements of its rational nexus of effects does not posit any determinate effect or function that could give the work an operative place in society's nexuses of effects. The reverse move of the polar relation between expressionism and constructivism occurs precisely in relation to this claim. The rational construction of the work, which is supposed to be free of any expression, becomes itself expressive: it expresses the form of functionality per se, "The purely constructed, strictly objective artwork, which ever since Adolf Loos has been the sworn enemy of everything artisanal, reverses into the artisanal by virtue of its mimesis of functional forms: Purposelessness without purpose becomes irony" (AT: 58). Irony ensues here because the constructivist artist meant to break with any purposiveness as a result of imposing subjective intentions on the work, and yet the product at hand expresses the purposiveness of functional forms. It is not clear what examples of works Adorno has in mind. It seems, however, that architecture offers the most tangible cases of that transformation. One could think of the Kundmannsgasse House, Vienna (1928) designed by the architect Paul Engelmann and Ludwig Wittgenstein. Another example could be the highly mathematically or phonometrically composed piano pieces by Erik Satie. "Rational logic of composition" and the presence of "universally understandable concepts" are represented in the aesthetic vocabulary of constructivists.<sup>84</sup>

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<sup>83</sup> Owen Hualatt, Adorno's Theory of Philosophical and Aesthetic Truth, 152.

<sup>84</sup> Stanislaus von Moos, *Le Corbusier: Elements of a Synthesis* (Cambridge, MA: MIT Press, 1985), 39. For statements by leading constructivists, see Stephen Bann, ed, *The Tradition of Constructivism* (New York: Viking, 1974).

The imitation of functional forms in full retreat from any direct particular social function, I believe, is the deepest manifestation of the social character in the autonomous artwork. This imitation is unintentional. All the artwork does is remain faithful to the formal properties of its own materials and follow its own rational principle of construction. For Le Corbusier, the new spirit of art is that of “construction and synthesis guided by a clear concept.”<sup>85</sup> What makes it, however, imitate that from which it tries to keep its distance, is its own aesthetic rationality. Adorno puts this process in these terms:

In the process of becoming increasingly technical, which irrevocably binds them to functional forms [*Zweckformen*], artworks come into contradiction with their purposelessness. . . . It is not that rationality kills the unconscious, the substance of art, or whatever; technique alone made art capable of admitting the unconscious into itself. But precisely by virtue of its absolute autonomy the rational, purely elaborated artwork would annul its difference from empirical existence; without imitating it, the artwork would assimilate itself to its opposite, the commodity. It would be indistinguishable from completely functional works [*Zweckwerke*] except that it would have no purpose, and this, admittedly, would speak against it. The totality of inner-aesthetic purposefulness develops into the problem of art's purposefulness beyond its own sphere, a problem for which it has no answer. (AT: 217–218/ÄT: 323)

Adorno reserves the verb “assimilate” for what I have referred to under “repeat” and “imitate,” whereas he also speaks of “mimesis of functional forms” (“Mimesis an die Zweckformen”; ÄT: 92) in the preceding quoted passage. Imitation is indeed a form of assimilation of what is other to the imitator. Elsewhere, he points to the subordinating (*unterwerfen*) of the anti-functional art to a principle “that could be grounded only through functionality” (AT: 179/ÄT: 179).<sup>86</sup> The terminology in *Aesthetic Theory* should not be taken à

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<sup>85</sup> Qtd. in von Moos, 279.

<sup>86</sup> “das einzig durch Funktionalität sich begründen könnte.”

*la lettre*. While the artwork does not imitate particular direct, immediately present functions, it nonetheless imitates, assimilates in itself, and partakes in functionality as such.<sup>87</sup> Adorno's way of referring to this functionality as such, that is, having the form of a function beyond any particular, immediate function, is commodity, which lies at the heart of the passage quoted. Through commodity, I believe, a highly satisfying notion of the social and social character will be available to us with regard to works of art as products of socialized labor.

The contribution of the commodity production to the rise of a very peculiar social structure is offered in Marx's analysis of capital. Even though Marx makes it explicit neither that labor as such is dependent on any particular society, nor that it is the sole source of value (nature is the other source; see C: 133), his claim is that it is only in modern society that human labor has become thoroughly socialized. As a central Marxian position in his thought, Adorno extends the social substance of exchange to a principle governing whatever falls within society's nexus of effects. He writes in *Negative Dialectics*:

The exchange principle, the reduction of human labor to the abstract universal concept of average labor-time, is primordially akin with the identification principle. This has its social model in exchange, and would not be without it. It is through exchange that non-identical individual beings and functions [*Leistungen*] become commensurable, identical. The extending of the principle restrains the world to what is identical, to totality. (GS 6: 149–150)<sup>88</sup>

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<sup>87</sup> Werckmeister writes, "The works of art become emancipated from the art-alien purposes, yet their aesthetic autonomy does not free them from the functional nexus with society, but becomes their new social functions." O. K. Werckmeister, *Ende der Ästhetik. Essays über Adorno, Bloch, das gelbe Unterseeboot und der eindimensionale Mensch* (Frankfurt am Main: Fischer, 1971), 8. Even though it is fair to speak of new functions inflicted externally on autonomous arts, the culmination of which is culture industry, the notion of a higher social functionality that I hold Adorno to offer cannot be captured by new functions alone. Adorno does point to a second-grade function to which anti-functional autonomous works are subordinated in a society functionalized through and through. As "cultural goods" ("Kulturgüter"), the functionless is forced to acquire function. See *Dissonanzen*, GS 14: 221–222.

<sup>88</sup> "Das Tauschprinzip, die Reduktion menschlicher Arbeit auf den abstrakten Allgemeinbegriff der durchschnittlichen Arbeitszeit, ist urverwandt mit dem Identifikationsprinzip. Am Tausch hat es sein gesellschaftliches Modell, und er wäre nicht ohne es; durch ihn werden nichtidentische Einzelwesen und Leistungen kommensurabel, identisch. Die Ausbreitung des Prinzips verhält die ganze Welt zum Identischen, zur Totalität."

Exchange becomes in Adorno's works a quasi-metaphysical principle not only of modern bourgeois society but of history considered far more broadly. It is an inherently relational category, which he seems to be positing both as a category *a priori* and as a historically specific category. *A priori*, for exchange has always been around; historically specific, for it is only in modern bourgeois society that it has elevated itself to a totalizing principle.<sup>89</sup>

The notion of the social at work in the form of the commodity appears in the opening pages of Marx's first volume of *Capital* in order to help analyze the form of the value congealed in a commodity in the process of exchange. Value counts as a highly abstract category in Marx's analysis of commodities as apparently elementary units of "the wealth of societies in which the capitalist mode of production prevails" (C 105). To grasp the value, we must look at the way the value appears, namely, in a twofold manner. First, it takes the qualitative form of the use of commodity as "an external thing, a thing which through its qualities satisfies human needs of whatever kind." The use of the commodity is bound up with its material features. Hammers are of no use for keeping one warm, only certain fabrics, fuel for fire, and shelter are. Second, value can take a quantitative form, too, which realizes itself in the act of exchange. Because the use value is realized only in consumption, and since different use-values address different needs, exchange comes into play. A useful commodity that can be exchanged for another useful commodity, therefore, must possess an exchange-value.

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<sup>89</sup> If the exchange principle constitutes such a sweeping, inevitable fact in human society, then it cannot be just poison but must contain the antidote in itself, too. For Adorno, there is the promise of truly equal rationality, the ideal of free and just exchange, hidden in the principle of exchange. See GS 6, 159. For a discussion of the importance of the exchange principle in Adorno and the Critical Theory more generally, see Helmut Reichelt, "Die Marxsche Kritik ökonomischer Kategorien. Überlegungen zum Problem der Geltung in der dialektischen Darstellungsmethode im 'Kapital,'" in Iring Fetscher, Alfred Schmidt, and Hans-Georg Backhaus, editors *Emancipation Als Versöhnung: Zu Adornos Kritik der "warentausch"-Gesellschaft und Perspektiven der Transformation* (Frankfurt a. M.: Neue Kritik, 2002), 142–189.

This second manifestation of the value of the commodity can readily be mistaken for the exchange value. If, in the simplest form of an act of exchange,  $x$  quantity of commodity A is traded for  $y$  quantity of commodity B, then we have a value relation between two valuable because useful items in which two qualitatively different things, A and B, a hammer and a jacket, are held to be equal. It yields the equation  $xA = yB$ . This is the expression of the value-relation. But we know that considered from the perspective of their uses, which are bound up with their own physical properties, two different things cannot be equal to one another. It is not their use-values that make them equal. Rather, “[W]ithin an exchange relation, one use value is worth just as much as another, provided only that it is present in the appropriate quantity” (C: 127). A hammer is not equal to a jacket, but, say, 10 hammers can be equated with 3 jackets. It is in virtue of a quantitative moment that the useful commodities can step into an exchange relation. “This relation changes constantly with time and place. Hence exchange-value appears to be something accidental and purely relative” (C: 126). 10 hammers (as a single mass of value) is then equal to 3 jackets but only 15 hammers can get us 1 table, just as 2 tables is exchanged for 5 yards of linen, and so on. The value of a commodity in the exchange relation can appear in numerous quantities. It is absurd to speak of the inherent exchange value of an object. Because not inherent in the commodity, the exchange value thus abstracts itself from the use value and thereby the physical properties of the commodity.<sup>90</sup>

If neither the qualitative use of the commodity nor its quantitative exchange in the relation of exchange can offer the sufficient ground to grasp the value of the useful object, then we

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<sup>90</sup> Marx acknowledges that since Aristotle, “the great investigator who was the first to analyze the value-form,” the fact of exchanging unequal things has caused grave troubles for philosophical and economic thought. Aristotle saw that the value-relation between two commodities involved making equal two qualitatively unequal things, “There can be no exchange without equality, and no equality without commensurability” and concludes that exchange in reality is impossible and merely serves practical purposes. Aristotle, *Nicomachean Ethics*, Book V, Ch. 5 (London: Loeb edition, 1926, 287–9), qtd. in Marx, 151. Marx’s theory of value sets about solving precisely this Aristotelian riddle through the concept of social labor.

need to seek a different ground for the principle of exchange in the equation of  $xA=yB$ . Viewed from a perspective that has let go the physical qualities of the commodities, what remains is one common property of them all, “that of being the products of labor.” Because the physical use-values are products of labor, then insofar as they have physical properties they must be products of physical, concrete labor. A higher level of abstraction thus requires that we let go all material constituents of the useful object, including the concrete act of making it. Therefore, “[A]ll its sensuous characteristics are extinguished. Nor is it any longer the product of the labor of the joiner, the mason or the spinner, or of any other particular kind of productive labour,” but that of “human labour in abstract” (C: 128). Considered only as products of labor and to the extent that these products step into the value-relation of exchange, the commodity has value because human labor as such, not a particular shape or mode of labor, has been expended on them and become congealed in them precisely as value. The concept of abstract labor helps us understand the source of the value of the commodities beyond the randomness of the quantitative exchange value, but what is still wanting is an account of why and how this value expresses itself in the quantities. The concept of quantity does not vanish from the analysis of the value-form. The question arises, “How, then, is the magnitude of this value [the objectified labor] to be measured? By means of the quantity of the ‘value-forming substance,’ the labour, contained in the article. This quantity is measured by its duration, and the labour-time is itself measured on the particular scale of hours, days etc.” (C: 129). It is precisely this answer that introduces the appropriate place for the concept of the social to come on the stage.

The move from the concept of abstract labor to what Marx calls the social substance of value counts as one of the trickiest in *Capital*. All particular units of human labor manifested in all sorts of work, from packaging and carpeting to tailoring and painting cars in a factory,



partake in “the total-labour power of society . . . one homogenous mass of human labour-power” (ibid.). The sole way in which this homogenous mass allows any internal differentiation goes through the concept of time. Time is the most abstract category to refer to the mode of expending labor, of any kind, to produce a commodity capable of participating in exchange with others. Again, the time that a smith takes to forge a hammer remains accidental and irrelevant. The labor-time of a particular work needs to be hammered into a necessary relation with that of other units of labor. What counts is the average labor-time “socially necessary” to produce useful articles “under the conditions of production normal for a given society and with the average degree for skill and intensity of labour prevalent in that society,” including the physical strength of the workers and the technological stance of the machines.

Like commodity, the artwork in its aesthetic separation tends to hide its being a product of labor, for it is to imitate natural beauty. Moritz’s statement on the beautiful as that which is complete in itself has as its historical essence the form of commodity in the growing art and book market of the eighteenth century Europe.<sup>91</sup> The artwork, too, presents its worth, which is a relation of labor, as if it were objectified with no trace of labor (see ÄT: 252). Unlike commodity, the aesthetic separation does not exist to satisfy any needs, it is wanting for any use value, which does not mean that it cannot be socially interesting, promoting distinction between classes, adding to symbolic capital.<sup>92</sup> This means that the work of art is essentially

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<sup>91</sup> For a discussion of this market in relation to Moritz’s conception of autonomous art, see Martha Woodmansee, “The Interests of Disinterestedness,” in *The Author, Art, and the Market: Rereading the History of Aesthetics* (New York: Columbia University Press, 1994), 11–35. The most thorough account of the bourgeois, and class-conflictual character of the autonomy is offered by Bredekamp. For him, the early modern cultural-social rift between the descending feudal-ascetic society and the ascending bourgeois culture is essential to see the class character of the rise of the autonomy of art out of the struggles of both groups with the catholic church. See Horst Bredekamp, “Autonomie und Askese,” in *Autonomie der Kunst: Zur Genese und Kritik einer Bürgerlichen Kategorie*, ed. Michael Müller (Frankfurt am Main: Suhrkamp, 1972), 88–172. For a critique of Bredekamp’s account of the genesis of the autonomy of art, see Bürger, *Theory of the Avant-garde*, 35–41.

<sup>92</sup> See Pierre Bourdieu, *Distinctions: A Social Critique of the Judgment of Taste*, trans. Richard Nice (Cambridge, MA: Harvard University Press, 1987). To grasp the relevance of the commodity form for the social character of art, we can resort to one term of not frequent use in *Aesthetic Theory*: the absolute commodity. Adorno writes, “If artworks are in fact absolute commodities in that they are a social product that has rejected every semblance of

exposed to being assimilated into the world of universal functionality, and thereby losing its claim to formal separation. To use Aristotelian terms, the formal cause of the work became its final cause in that functionality turned into its ultimate finality, which is a failure for art insofar as it loses its claim to formal separation from any finality.

#### § 4 DIALECTIC. THE SUBLIME AND THE RIDICULOUS: FORM AS PARTICIPATION

If art is not “indifferent” (“gleichgültig”) toward its own double character (AT: 310/ÄT: 459) we should consider how it sustains its own conflict and how it responds to it in order to regain its identity, reclaim its right to an autonomous existence, and remake its relation to its context of emergence.

The preceding two moments of our analysis present the form of the artwork in two opposed determinations. In the autonomy moment viewed internally, form separates itself from its genesis. In the social facticity moment, held as the external view on art’s autonomy, form repeats its genesis. The moments were considered separately, an approach that Adorno does not advise. The concrete existence of the artwork resists such a division of its moments, but the attentive experience of the work imposes it on the beholder, listener, and reader. If separation corresponds to the rational construction of the work or its formal conditions, and repetition to the imitative impulse of the work or its real conditions, then when it comes to a unified, integral account of the work’s concrete existence Adorno reserves a third concept for

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existing for society, a semblance to which commodities otherwise urgently cling, the determining relation of production, the commodity form, enters the artwork equally with the social force of production and the antagonism between the two. The absolute commodity would be free of the ideology inherent in the commodity form, which pretends to exist for-another, whereas ironically it is something merely for-itself: It exists for those who hold power.” AT: 236/ÄT: 351.

it, participation. In referring to this concept he frequently uses it's the Greek, Platonic word throughout the *Aesthetic Theory*: methexis (μέθεξις). A philological survey of Adorno's works yields that the appearance of the term methexis more or less coincides with the appearance of the expression art's double character.<sup>93</sup> If this coincidence can serve as a firm enough ground, then it will be safe to claim that with the help of the concept of methexis Adorno points out the direction that any possible resolution to art's double character should take. It is thus that the autonomous artwork becomes relevant, assuming a critical stance vis-à-vis its context of emergence.

Methexis belongs with the constellation of concepts in Plato's theory of Ideas as a theory of knowledge. This theory asks: How can we know the ever changing things in the sensible world in all their various appearances? How is the definition of a thing possible? In Aristotle's words, Plato

held that the problem [of definition] applied not to sensible thing but to entities of another kind—for this reason, that the common definition could not be a definition of any sensible things, as they are always changing. Things of this sort, then, he called Ideas, sensible things, he said, were all named after these, and in virtue of a relation to these; for the many existed by participation in the Ideas that have the same name as they.<sup>94</sup>

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<sup>93</sup> While throughout his corpus Adorno mentions Plato and at times uses Platonic terms, affirmatively or critically, and while the concept of participation (*Teilnahme*) in its general meanings frequently appears in his works, instances of the term methexis with respect to art are infrequent and almost entirely limited to his *Aesthetic Theory* (and his 1960s lectures on aesthetics): “methexis in enlightenment” (AT: 86/ ÄT: 134); “methexis in truth” (AT: 108/ÄT: 166); “methexis . . . in reconciliation” (AT: 118/ÄT: 181); “methexis in history” and “methexis in the tenebrous” (AT: 133/ÄT: 201); “methexis in enlightenment” (AT: 151/ÄT: 227); “methexis . . . in language” (AT: 171/ÄT: 256); “[the subject's] methexis in the universal” (AT: 202/ÄT: 300). There are also a couple appearances in *Negative Dialectics*: GS 6: 65, 237. A philosophical discussion of Plato's theory of Ideas appears in his lectures on *Metaphysics: Concept and Problems*, 13–19. For a recent discussion on Plato's significance for Adorno's thought, see Wolfram Ette, “Adorno und Platon,” *Zeitschrift für kritische Theorie* 38/39 (2017): 68–96. ProQuest Ebook Central.

<sup>94</sup> Aristotle, *Metaphysics*, 987b4–10. Aristotle himself does not see much difference between Plato's methexis and the Pythagoreans' mimesis or imitation in the relation of the things and their forms. For him, they mean more or less the same. See, *Metaphysics*, 987b10–13.

Plato offered various, even conflicting answers to the question of the relation between the sensible things and the Ideas: from the idea that the Ideas are present in the things in early dialogues, to the notion that things fall short of the Ideas and are only examples of them, thus imitating them, in middle dialogues, to the later dialogues in which the Ideas are wholly separate from the things. Methexis appears in his middle-to-late dialogues, and it is doubtful that the problem has ever found a full and satisfying answer.<sup>95</sup> In Adorno's words, the doctrine of methexis is

that of the participation of the scattered things in the Idea to which they are subordinate. This also presupposes something different from the Idea; if there were nothing which was different from the Idea, such a 'participation' in the Idea, such a *μέθεξις*, would not be possible. And in fact, the late Plato did extensively revised the strict version of the doctrine of Ideas, as it appears in what are called the classical, middle dialogues.<sup>96</sup>

The way that Adorno interprets the concept of methexis in the context of Plato's theory of Ideas is peculiar. Instead of stressing the separation of the Ideas from the sensible, appearing things, which the late Platonic notion of participation seems to suggest,<sup>97</sup> he turns the concept around so as to stress the importance or priority of the things themselves. He even goes further to claim, against the prevalent scholarly view of his time in Germany, that "[T]here is no doubt that in Plato's late period the existent asserts itself increasingly against

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<sup>95</sup> According to Martin, "The substantive methexis seems to occur only in *Parmenides* (132 D) and in *Sophists* (256 B). . . . By contrast the verb *metechein*, as well as the synonymous verb *metalambanein*, are very common, generally indeed in broader meaning . . . in *Phaedo* (100 C)." Martin, *Platons Ideenlehre*, 170. For a thoroughgoing discussion of the development of Plato's theory of Ideas, see David Ross, *Plato's Doctrine of Ideas* (London: Oxford University Press, 1951). For the concepts of presence, sharing, imitating, and participation see 21, 35, 88, 231, respectively.

<sup>96</sup> Adorno, *Metaphysics*, 17.

<sup>97</sup> As Peters writes, "Describing the relationship of sensibles to the *eide* in terms of participation (*methexis*) suggests the subordination of things to the *eide*, a subordination at the heart of the Platonic metaphysic." Francis E. Peters, *Greek Philosophical Terms: A Historical Lexicon* (New York: New York University Press, 1967), 35.

the Idea, although, in the chronology of Plato's works which is now generally accepted, one of the dialogues in which the doctrine of Ideas is presented most bluntly and developed most ingeniously, the *Phaedrus*, is dated extremely late."<sup>98</sup> The accuracy of Adorno's view is less important here than its philosophical intention and import for his aesthetic theory.<sup>99</sup> His reading of Plato, I believe, clearly shows to what extent metaphysics plays a key role in aesthetic theory viewed, as I did in this chapter, from the perspective of the double character of art. For Adorno, metaphysics comes into being when the "tension between the sphere of transcendence and the sphere of that which is merely the case, between τὸ ὄν, τὰ ὄντα . . . , is itself the subject of philosophy."<sup>100</sup> While this tension is thematized in Plato's thought, according to Adorno, it was only in Aristotle that it fully asserted itself, hence, for him, metaphysics per se started with Aristotle. Coupled with Adorno's view that in the late Plato there is an increasing attention to the world of non-being, that is the world of the sensible, Adorno's idea of metaphysics becomes directly relevant to his aesthetic theory.

We saw that the artwork separates itself through its form from empirical reality and thereby from society's nexus of effects in order to realize its autonomy as something that is both manufactured, and thus material, and for-itself because similar to natural beauty in its structural indeterminacy. This was in accordance with the idea of art. The aesthetic separation, under the condition of bourgeois society, proved to imitate the form of the commodity. This meant a failure for the claim of aesthetic separation, which manifested itself in its full antinomy in the constructivist art movement of the New Objectivity where the work's rational construction following the formal determinations of the matter itself turned the work into the expression

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<sup>98</sup> Adorno, *Metaphysics*, 17.

<sup>99</sup> An earlier, Platonic account of aesthetic can be found in 1958/1959 lectures on aesthetics through a reading of Plato's *Phaedrus*. See Ä58, 170–185.

<sup>100</sup> Adorno, *Metaphysics*, 18.

of functionality as such. In that particular manifestation, art's claim to transcendence failed at the heart of its most truthful operation.

If this is the ultimate case for the autonomous artwork, then speaking of its double character will be pointless. If any idea of art participating in truth—that is, the claim of being a made thing that appears to be unmade for a justifiable reason—is to have relevance, if the thesis of art's double character holds true, Adorno has to show that the work does not merely imitate or repeat or assimilate in itself the form of the fetish-commodity as the universal condition for socially produced, modern objects; that the work is not an effect of an operative system, but that it is capable of asserting its formal separation from that system while being part of it;<sup>101</sup> finally, and all boils down to this in *Aesthetic Theory*, that the very reality of an artwork having the two characters of autonomy and social facticity tells something, itself has a language. The language of methexis becomes relevant here, and it is hence that the Platonic core of the otherwise largely Aristotelian strategy of Adorno's aesthetic theory comes to light. Though it is not of this world, the artwork partakes in this world to prove a point about it: “Through form art participates in the civilization that it criticizes by its very existence. Form is the law of the transfiguration of the existing, counter to which it represents freedom” (AT: 143).

On my interpretation, Adorno manages to sustain the two moments of separation and repetition, formal self-activity and imposed finality, of art's double character with the aid of two pairs of concepts: the sublime and the ridiculous on the one hand and, on the other, the enigma and the figure as the answer to the enigma of the artwork.

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<sup>101</sup> This is the view advocated by Luhmann, *Die Kunst der Gesellschaft* (Frankfurt am Main: Suhrkamp, 1997), 217–208. See also Hans van Maanen, *How to Study Art Worlds: On the Societal Functioning of Aesthetic Values* (Amsterdam: Amsterdam University Press, 2009).

#### 4.1 The Rhythm of the Enigma

Adorno starts pointing to a solution after having outlined the antinomy of the New Objectivity by making two contrasting statements. The following two statements revolve around the place of the subjective in the work, which the New Objectivity had banished:

To date the only alternative to this has been the polemical intervention of the subject in subjective reason by a surplus of the subject's own manifestation beyond that in which it wants to negate itself. Only by carrying through this contradiction, and not by its false resolution, can art somehow still survive. (AT: 58/ÄT: 92)<sup>102</sup>

What becomes obvious is the disparity between the functionally thoroughly formed artwork and its actual functionlessness. Still, aesthetic mimesis of functionality cannot be revoked through recourse to the subjectively unmediated: This would only mask how much the individual and his psychology have become ideological with regard to the supremacy of social objectivity, a supremacy of which *Sachlichkeit* is correctly conscious. The crisis of *Sachlichkeit* is not a signal to replace it with something humane, which would immediately degenerate into consolation, the correlative of the actual rise of in-humanity. (AT: 61/ÄT: 97)<sup>103</sup>

The first passage views the subject as a solution, the second shows distrust against it. It is a solution insofar as its intervention in the work disrupts the full imitation of social functionality by bringing in a moment of arbitrariness. One could imagine incorporating extra large windows into the front main wall of the Wittgenstein House which is otherwise wholly functional. Or, as an artist friend once observed to me, the door handles of the building,

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<sup>102</sup> "Dagegen hat bislang nur eines geholfen: der polemische Eingriff des Subjekts in die subjektive Vernunft; ein Überschuß seiner Manifestation über das, worin es sich negieren möchte. Nur im Austrag dieses Widerspruchs, nicht in seiner Glättung kann Kunst irgend noch sich erhalten."

<sup>103</sup> "In all dem manifestiert sich die Inadäquanz zwischen dem in sich funktional durchgestalteten Kunstwerk und seiner Funktionslosigkeit. Dennoch ist die ästhetische Mimesis an Funktionalität durch keinen Rekurs aufs subjektiv Unmittelbare widerruflich: er würde nur verhüllen, wie sehr der Einzelne und seine Psychologie gegenüber der Vormacht der gesellschaftlichen Objektivität zur Ideologie geworden ist: davon hat Sachlichkeit das richtige Bewußtsein. Die Krisis der Sachlichkeit ist kein Signal, diese durch ein Menschliches zu ersetzen, das sogleich in Zuspruch degenerierte, Korrelat der real ansteigenden Unmenschlichkeit."

designed by Wittgenstein himself, are expressive in a non-functional, non-*Sachlich*, slightly ornamental, manner. In this sense, Wittgenstein's style does not entirely conform to Loos's idea of ornament as crime. Yet, the introduction of the subjective cannot be in the service of consolation, for it would remain uncertain in which way that consolation would fit into the form of the artwork.<sup>104</sup>

Adorno's final position on the role of the subject in offering a solution to art's antinomy should be sought in his reinterpretation of the traditional aesthetic category of the sublime, "the only aesthetic idea left to modernism" (AT: 197).<sup>105</sup> The reason for this decision resides in what characterizes the sublime as a feeling. Traditionally defined solely in relation to nature, the feeling of the sublime for Adorno includes two moments: feeling weak but safe before all-powerful nature and feeling free and elevated before it. The two moments are on display in a passage by Kant that Adorno cites. After describing scenes of natural greatness and power, from the roaring oceans, threatening huge rocks, erupting volcanos to high waterfalls, in a manner that Adorno takes to be along the lines of *Sturm und Drang* sensibility, Kant states that the sight of these scenes will be the more appealing, the more they are dreadful, when we find ourselves in a safe situation.<sup>106</sup> What makes for the feeling of the sublime are both safety and resistance with regards to nature. Adorno comments on the passage, "The feeling of the

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<sup>104</sup> An illuminating example of what the subjective moment can achieve in the autonomous work can be found in Adorno's reading on the final scene of Goethe's *Iphigenie auf Tauris* in a 1967 speech. He refers to the last scene of the drama where the conversation between Iphigenie and Thoas the barbarian king takes place and in which Thoas' forgivingness toward her is brought in an unstable, non-identical balance with Iphigenie's humanity. Goethe, so argues Adorno, sets up a scene that does not feel quite natural because Thoas bids them goodbye twice: "Geht sie!" and then again "Lebt wohl," so that it should be clear for the audience that Iphigenie feels as much gratitude towards Thoas as Thoas is unsure of Iphigenie's humanness. Thoas gives more to the Greeks, Iphigenie, Pylades, Orest, than they do to him. For Adorno, this scene deviates from the organic unity of the play and reveals the making hand of the artistic at work. See, Adorno, *Noten zur Literatur*, in GS 11: 495–514.

<sup>106</sup> "Aber ihr Anblick wird nur um desto anziehender, je furchtbarer er ist, wenn wir uns nur in Sicherheit befinden." He goes on writing, "Also heißt die Natur hier erhaben, bloß weil sie die Einbildungskraft zur Darstellung derjenigen Fälle erhebt, in welchen das Gemüt die eigene Erhabenheit seiner Bestimmung selbst über die Natur, sich fühlbar machen kann." Kant, *Kritik der Urteilskraft* (*Critique of the Power of Judgment*), qtd in Ä58: 51, 53.



sublime . . . indeed consists in that what is by its natural determination weaker—the human being, precisely as nature—is nonetheless able to resist what is stronger by way of becoming aware of itself as spirit . . . aware, as it were, of affinity between the infinity of [its own] spirit and the infinity of nature.”<sup>107</sup>

The feeling of the sublime in this sense does not offer an unchanging property *a priori* of the human being’s relation to nature. It has a historical substance. We can feel safe in nature and resist mere natural determination once we have managed to dominate nature. The condition for the rise of the feeling of the sublime is then the success in dominating nature, at an unprecedented and qualitatively different level in modern bourgeois society (cf. *Ä*58: 48).<sup>108</sup> The basic move in this reinterpretation is the sublime’s “transplantation into art,” that is, the claim that “The sublime, which Kant reserved exclusively for nature, later became the historical constituent of art itself” (AT: 197, 196/*Ä*T: 293). To do so, Adorno puts forward an interpretation through which the very composition of the concept of the sublime is to change: rather than merely take the sublime as the subject’s elevation over naturalness, he interprets it as the “return of nature”: “The sublime was supposedly the grandeur of human beings who are spiritual and dominate nature. If, however, the experience of the sublime reveals itself as the self-consciousness of human beings’ naturalness, then the composition of the concept changes” (AT: 198). The feeling of the sublime testifies both to the force of the

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<sup>107</sup> “Das Gefühl des Erhabenen [. . .] eigentlich besteht darin, daß das in seiner natürlichen Bestimmung Schwächere – der Mensch, eben als Natur – trotzdem dem Stärkeren dadurch zu widerstehen vermag, daß es als Geist seiner selbst inne wird, . . . gewissermaßen der Ähnlichkeit des Unendlichen des Geistes inne wird mit der Unendlichkeit der Natur.” *Ä*58: 51–52.

<sup>108</sup> A similar argument is made by Ritter in respect of the relation of historical progression in dominating nature and the liberation of subjectivity. Ritter also discusses the rise of landscape as a secular, aesthetic concept once again thanks to a changed relation to nature. See “Landschaft: Zur Funktion der Ästhetischen in der modernen Gesellschaft,” *Metaphysik und Politik: Studien zu Aristoteles und Hegel* (Frankfurt am Main: Suhrkamp, 2003), 407–434.

human subject to go beyond what is natural and to its intertwinement with nature, for nature appears as a force to the subject itself as a piece of nature.

Transplanted into the artwork, this double sense of the sublime generates an operation that marks the work's awareness both of its capacity for separation and its subordination to what is empirical and social in its body. It is in this sense that the artwork is not indifferent to its double character, just as the human being struck by a sublime natural scene ought, according to Adorno, to recall both his or her being a piece of nature and being capable of rising above it. A revisited concept of the sublime as both rising above and subordination to nature, that is, a view of the sublime capable of addressing art's double character, cannot be limited to its original meaning, being elevated (*Erhabene*). In this respect, that which is clownish, ridiculous, goes hand with hand with a notion of the sublime defined as remembering one's own natural character. "The divergence of the constructive and the mimetic, which no artwork can resolve and which is virtually the original sin of aesthetic spirit, has its correlative in that element of the ridiculous and clownish that even the most significant works bear and that, unconcealed, is inextricable from their significance" (AT: 118–119). And it is not pure accident that the aesthetic theoretician who stands at the close of the tradition of Idealist aesthetics, Friedrich Vischer, organizes his "science of aesthetics" based on the relation of the pair of the sublime and the ridiculous (or the comic, "das Komische") as two constitutive moments of the beautiful, aesthetic object.<sup>109</sup>

It has been reported that his friends used to laugh out loud at passages from the *Metamorphosis* that Kafka would read to them. Amid the narrative of the tragic transformation of Gregor Samsa in the long story, we come across passages that run counter to the supposedly

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<sup>109</sup> See Friedrich Theodor Vischer, *Ästhetik, oder Wissenschaft des Schönen. Erster Theil: Die Metaphysik des Schönen* (Reutlingen & Leipzig: Carl Mäcken, 1846), where he makes explicit the relation of the sublime and the comic as moments of the beautiful in §§ 228, 82, 147.

solemn tone and content of the narrative. A case in point is the following account of the encounter between the charwoman of the household and Gregor:

[S]he never failed to open the door a crack for a moment every morning and evening to look in on him. At the beginning she would call him over to her, saying things that were probably intended to sound friendly, like “Hey, over here, you old dung beetle!” or “Just look at the old dung beetle!” Thus addressed, Gregor gave no reply but instead remained where he was, immobile, as if the door had never been opened. If only this charwoman, instead of being allowed to disturb him uselessly at whim, had been given instructions to clean his room daily!<sup>110</sup>

The old widow’s utter indifference to the horrifying, if wholly absurd and impossible, predicament of Gregor is a moment in the story that functions as a needle bursting the balloon of its all too *sachlich*, objective seriousness. The word “Mistkäfer” (“dung beetle”), that the charwoman uses, is so banal and so inaccurate (as opposed to Kafka’s description of Samsa’s condition in the opening paragraph as an “ungeheueren Ungeziefer”)<sup>111</sup> that it leaves Gregor himself speechless. There may be ways to read the passage in some symbolic or allegorical relation to the structural whole of the story. All the same, it is hard not to burst into laughter at its ridiculous effect in the flow of the narrative. On account of her indifference to Gregor’s condition, especially in contrast to the care that Grete his sister and at times his parents offer him, the position of the charwoman remains external to the pain of the protagonist. If we venture to take this position as an allegory of an indifferent beholder toward the separated artwork as metamorphosed Gregor, then we would be in a better position to understand Adorno’s note on the ridiculous in art, “which philistines recognize better than do those who are naïvely at home in art” (AT: 119). The feeling of the ridiculous is not far removed from

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<sup>110</sup> Franz Kafka, *The Metamorphosis*, trans. Susan Bernofsky (New York: Norton, 2014), 94.

<sup>111</sup> Bernofsky has rendered it as “some sort of monstrous insect.” *The Metamorphosis*, 21. For more on translating this expression, see Bernofsky, “The Afterword.”

the feeling of conflict that our café-dweller experiences once struck by the earnest music. Those who would not pay attention to the musical piece and would prefer to go on talking or eating, would find the individual's intensive attention ridiculous. As for art itself, the ridiculous "is the price of its self-enclosure." Thus, an artwork that incorporates the ridiculous, the clownish, in itself alongside its sublime operation, is an artwork that is fully aware, and barely indifferent, to the problematic character of its own self-enclosure or separation. The ridiculous view of the artwork imposes itself even on the work viewed as a whole, not just experienced partially and thus wrongly. As a wholeness, from outside, the work becomes *one* thing among others, and thereby resembles a fetish object with no display of its virtuosity in organizing disparate elements. The ridiculous—as is often overlooked by the interpreters of Adorno's theory of the sublime—rightly presents the work as a piece of reality, be it natural or social.

The rhythm of the sublime and the ridiculous in the autonomous artwork, which is exposed to the risk of imitating what it claims to negate, that is, bourgeois society's principle of exchange, produces an effect that needs to be concretely shown in particular works. In abstract terms, it is a rhythm that oscillates between positing the work as something separate and then negating this positing. This vacillation does not free the viewer from his or her double vision. We see the artwork *simultaneously* as something separate from its surroundings and as a part of its surroundings, that is, as a social fact. The work, however, is one and the same thing that in virtue of the above rhythm allows and sustains that double vision. The concept of *methexis* or participation should be understood from the perspective of this rhythm. What I name rhythm here appears in *Aesthetic Theory* under the expression of "the processual character" of the artworks, as opposed to anything static in them, "The enactment of antagonisms that each work necessarily has in itself" (AT: 176).

The rhythm of positing and negating generates an effect whereby the autonomous artwork becomes inexhaustible, representing, remarks Adorno in a lecture, a “positive infinity” (“positive Unendlichkeit”), “For it is on the one side something finite in itself, outlined [*Umrissen*], given in time and place, but on the other side an infinite scale of implications, which does not readily reveal itself [*sich erschließt*] and which requires analysis.”<sup>112</sup> The verb *sich erschließen*, rendered here as revealing itself or opening itself up, suggests closure, too. The work does not become an enclosed object. In Valéry’s comment, “We recognize a work of art by the fact that no ‘idea’ it can arouse in us, no act it suggests to us, can exhaust or put an end to it.”<sup>113</sup> Though generated, art becomes itself generative of a boundless reservoir of significations and implications that cannot be captured in a concept, purpose, message.

We can read this notion of endlessness or positive infinity of the work in relation to the absence in it of the Aristotelian final causality. The following two passages from Aristotle’s *Metaphysics* provide us with the terms of what is at stake in the view of the work as an endless thing:

[E]verything that comes to be moves towards a principle [*ἀρχήν*], i.e. an end [*τέλος*] (for that for the sake of which a thing is, is its principle, and the becoming [*γένεσις*] is for the sake of the end), and the actuality [*ἐνέργεια*] is the end, and it is for the sake of this that the potency [*δύναμις*] is required.

[T]he action [*ἔργον*] is the end and the actuality is the action. And so even the *word* ‘actuality’ [*ἐνέργεια*: in-work or in-action] is derived from ‘action’, and points to the complete reality [*ἐντελέχεια*].<sup>114</sup>

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<sup>112</sup> Adorno, *Vorlesung über Negative Dialektik: Fragmente zur Vorlesung 1965/66*, ed. Rolf Teidemann (Frankfurt a. M: Suhrkamp, 2003), 125.

<sup>113</sup> Valéry, “The Idea of Art,” 76. For his brief sketch on the infinite in aesthetics, see “The ‘Aesthetic Infinite,’” *Aesthetics*, 80–82.

<sup>114</sup> Aristotle, *Metaphysics*, 1050a7–10, 20–21.

The complete reality as the end product of an activity based on some potency or skill (house as the result of the act of skillful building or poem as the result of the act of poetic composing) is linked here to the existence of a principle or *telos*. The principle, which lies at the outset of the act, is equated by Aristotle with that which lies at the end, that is, the *telos*. These two are mediated by the acting itself as a movement that departs from a principle and proceeds towards becoming complete by reaching its goal. It is then that the act rests because the *telos* is realized. From this entelechy, which is, in Randall's terms, "a complete, self-enclosed functioning," "has vanished all the temporal sense of motion, change, or process. There has vanished also all sense of relatedness to a further objective."<sup>115</sup> Both the acting and its goal now rest in the complete reality of the object. The work is over and done.

Even so, this is not true of all acts and things, as is the case here for artworks. For some classes of acts and their products, such as closing the door or making bread, the actualized goal in the form of a thing or a state of things does terminate at a point. For others, according to Randall, "both goal and activity are in the actor: seeing is in the seer, thinking in the thinker, living and living well in the *psyche*."<sup>116</sup> In the first kind of activity, the product is separate from the producer, just as house is from the builder and the painting from the painter. However, the difference between a house as a functional product and the painting as a non-functional one is that, just as the activity and the goal reside in the seeing subject, so too, I contend, do both the activity and its goal in the painting, even though, of course, the painter as the efficient cause of the painting remains external to the finished product. As a material thing, every painting, sculpture, poem must at some point sever itself from the process of being made and be declared finished. Yet, the work does not stop its being-at-work (*energeia*) once the artist

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<sup>115</sup> John Herman Randall, Jr., *Aristotle* (New York: Columbia University Press, 1960), 131.

<sup>116</sup> Randall, 131–132; Aristotle, *Metaphysics*, 1048b4–9, 1050b2.

finished his or her work, for the goal that it wants to reach is indiscernible from its acting, namely, self-organizing. Something keeps going on in the work. The artwork thus behaves like a substance-as-subject in which both activity and goal reside. It self-organizes once brought into existence. It is without *telos* or without end. Since there is no finality or purposefulness at which the work can stop, its essence as its reason to be (or to have come to be) always eludes the observer or the philosopher. While it is in this world, it does not, like the Kingdom of God, have any closing, thus it is not a finished thing like any other thing in the world.<sup>117</sup> Precisely because there is both force or *dunamis* and actuality or *energeia* in the work, it can be considered to be endless, otherwise, the separation of force and actuality would yield the separation of the act of making and the made product.

Adorno calls this aesthetic phenomenon a force field, a “dynamic configuration of its [that is, the artwork’s] elements,” and links it back to the traditional metaphysical concept of entelechy or, its synonym in Leibniz, “monad.”<sup>118</sup> The defining characteristic of the concept of monad, and hence its metaphysical use, resides in the primacy of matter over form and the objectivity of the form, according to Kant. Monad was to solve the difficulty of explaining how it is that things exist in time and place and stand in causal relations to each other as distinct unities. There are two ways to go about solving this. One way, which constitutes Kant’s innovative move, asserts that time and space are forms of human intuition, and the substantiality, causality, and community of things are informed by the categories of human understanding. Things are manifolds of sensate data that are then synthesized by the subject in order to become objects of experience. Form, therefore, is original and precedes the matter.

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<sup>117</sup> The Greek New Testament at least on one occasion speaks of “without *telos*” in speaking of the Kingdom of God. Among other examples, “. . . and for this kingdom there will be no end” (καὶ τῆς βασιλείας αὐτοῦ οὐκ ἔσται τέλος). Luke 1:33. *The Student’s New Testament*, ed. Edgar J. Goodspeed (Chicago: Chicago University Press, 1954).

<sup>118</sup> “Kraftfeld,” ÄT: 446/ AT 30; See also ÄT: 264, 307, 434. On monad, see AT: 180.

In another way, we can say that time and space are determinations of things themselves, to which also belong the capacity of relating to one another as grounds and consequences. In Kant's words, "Leibniz first assumed things (monads) and an internal power of representation in them, in order subsequently to ground on that their outer relation and the community of their states (namely of representations) on that."<sup>119</sup> In virtue of this inner capacity of things-as-monads to form themselves and relations between themselves, the form of a thing or community of things is given independently of the subject.

Adorno's notion of the work of art as a force field sides with traditional metaphysics insofar as it interprets the form of the work as its potency of separation primarily as a property of the work itself and not the mere imprint of the human subject. However, unlike traditional metaphysics and its aesthetic revivals in German Idealism,<sup>120</sup> Adorno does not hold that the monadological character of the autonomous works of art is the last word about them, "The thesis of the monadological character of artworks is as true as it is problematic." Further, with an eye on the contemporaneous trends in literary theory and criticism, he writes:

There is no denying the progress made even in academic art scholarship through the demand for immanent analysis and the renunciation of methods concerned with everything but the artwork. At the same time, however, immanent analysis bears an

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<sup>119</sup> Kant, Critique of Pure Reason, A267, B323.

<sup>120</sup> Translating the primacy of form or that of matter in metaphysics into aesthetic terms brings in Kant anew. Adorno's relation to Kant's aesthetics, which during the late 1950s he calls an aesthetic of subjectivity as opposed to the objective aesthetics of a Hegel (Ä58: 12–14) would not remain the same. In the *Aesthetic Theory*, his relation to Kant becomes more complex. In Peter Uwe Hohendahl's words: "The explicit emphasis on the objective side suggests a greater proximity to Hegel than Kant. This was certainly the case in the lectures. In *Aesthetic Theory* the constellation has become considerably more complex insofar as Hegel's theory comes under severe criticism, a polemic that, at least in part, uses Kant." *The Fleeting Promise of Art: Adorno's Aesthetic Theory Revisited* (Ithaca: Cornell University Press, 2013), 52. Moreover, the problematic of the subject-objective distinction in Kant's aesthetics itself is not as clear-cut as it may appear to be. Peter Bürger, for instance, on account of Kant's idea of art as looking like nature, demonstrates that there is a *decisive moment* hidden in Kant's analytic of the judgment of taste when the theoretical attempt to derive a specific conduct of the subject vis-à-vis an object, that is the judgment on the beautiful, turns into a demand to determine the characteristics of a specific object: "The determining characteristics of the judgment of taste become those of the work of art" ("Die Bestimmungsmerkmale des Geschmacksurteils werden zu solchen des Kunstwerks"). *Zur Kritik der idealistischen Ästhetik*, 82–83.



aspect of self-deception. There is no determination of the particularity of an artwork that does not, as a universal, according to its form, go beyond the monad. It is delusive to claim the concept, which must be introduced externally to the monad in order to open it up from within and thus to shatter it, has its source exclusively in the object. The monadological constitution of artworks in themselves points beyond itself. (AT: 180/ÄT: 268–269)<sup>121</sup>

What needs justification here is the claim that the form of the artwork goes beyond its monad-like enclosure in virtue of—we can add here on account of the earlier discussion of the moment of social facticity—the form’s essential relation to its other. This relation Adorno calls universal. Thus, the view of the artwork as an endless, self-active thing poses a problem that confronts us once again with the antinomy without having handed us any solution to it. The work as a result of a rhythmic process inexhaustible in its implications emerges at the same time as a framed thing at a standstill. The energy of the work, its force, is a semblance. The work does not really act like a living organism, it only appears to be doing so. It is “at once a force field and a thing” at rest. Stressing one-sidedly the force side or the dynamic aspect of the artwork tends to conceal the historical nature of modern art as a made thing that is well aware of its own making.<sup>122</sup> As a nature-like, subject-like synthesis, the artwork runs the risk of relapsing into the form of the fetish all over again. It can become irrelevant as an occasion of mere pleasure. To avoid this, we need to think of the notion of the endlessness of the artwork in close relation to its genesis. In other words, the question to be raised would be:

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<sup>121</sup> As a prominent figure of academic immanent analysis during 1950s in Germany, Adorno might have in mind the conservative literary critic Emil Steiger and his collection of essays, *Die Kunst der Interpretation: Studien zur Deutschen Literaturgeschichte* (Zürich: Atlantis, 1955). For a discussion of Adorno’s relation to Steiger and academic literary criticism, see Peter Uwe Hohendahl, *The Fleeting Promise of Art*, chap. 4.

<sup>122</sup> Two relatively recent works exemplify the tendency to accentuate the concept of art’s force field in Adorno without fully locating it in relation to historical conditions of art’s genesis. Krzysztof Ziarek, *The Force of Art* (Stanford: Stanford UP, 2004), ch.1; Ayon Maharaj, *The Dialectics of Aesthetic Agency: Reevaluating German Aesthetics from Kant to Adorno* (Bloomsbury: London, 2003), chap. 6.

How does the end result of an endlessly processual enigmatic object relate to the specific conditions of its coming to be, or, in Adorno's own terms, how and why does the separated form go beyond itself? The truth of autonomous art is indebted not only to the act of separation but equally to the justifying of this very act.

#### 4.2 Figuring the Answer

I propose to interpret Adorno's concept of the truth-content of the artwork in tight relation to the work's participation in history in the following passage:

The truth content of artworks, as the negation of their existence, is mediated by them though they do not in any way communicate it. That by which truth content is more than what is posited by artworks is their methexis in history and the determinate critique that they exercise through their form. History in artworks is not something made, and history alone frees the work from being merely something posited or manufactured: Truth content is not external to history but rather its crystallization in the works. Their unposited truth content is their name. (ÄT: 201/AT: 133)<sup>123</sup>

The key to the passage is in the adjective "unposited" ("nicht gesetzter"). We have arrived at a point in our analysis of art's double character where neither the moment of separation through form nor the moment of imitation or repetition through form can tell us the truth about the existence of the artwork. Individually, each moment turns into its other, or each moment demands the presence of the other. We saw earlier in the chapter that the concept of history came into play in the constituting of the autonomous work to differentiate it from the

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<sup>123</sup> "Der Wahrheitsgehalt der Kunstwerke, als Negation ihres Daseins, ist durch sie vermittelt, aber sie teilen ihn nicht wie immer auch mit. Wodurch er mehr ist als von ihnen gesetzt, ist ihre Methexis an der Geschichte und die bestimmte Kritik, die sie durch ihre Gestalt daran üben. Was Geschichte ist an den Werken, ist nicht gemacht, und Geschichte erst befreit es von bloßer Setzung oder Herstellung: der Wahrheitsgehalt ist nicht außer der Geschichte sondern deren Kristallisation in den Werken. Ihr nicht gesetzter Wahrheitsgehalt darf ihr Name heißen."

structure of the fetish objects and all magical-cultic functions that might be associated with the work. In this respect, when it comes to the artwork, unlike the fetish object, the answer to the question, What is this?, is always: This is a made object. There must not be anything in the work that rejects this answer, otherwise the work would be lying. Even a poet of the caliber of Paul Valéry has no illusion about a poem being the product of a skillful way of doing things.<sup>124</sup>

All the same, the artwork retains its character as an enigma or riddle in virtue of its specific configuration through form. Now, the answers to the questions, Why is this? and How is this? can be given without remainder by saying this is a made thing, for making has generated something that appears to be not made, something that goes beyond the intentions of the making, the rules of the making, and the materials of the making. The *more* in the aesthetic artifact could not have been intentionally produced or posited as a result of the efficient causes in the act of making.

What if these enigma-laced objects are indeed fetishes that have deceived us into thinking they are works of art, aesthetic objects, namely, that they owe their *more* to their own configuration or elements and not to any convention, system of dogmatic beliefs, or false consciousness? Artworks are not mysterious, only fetish objects are, so claims Adorno, “If transcendence were present in them, they would be mysteries, not enigmas,” whereas “The actual arena of transcendence in artworks is the nexus of their elements” (AT: 78/ÄT: 122). If I do believe that the red drops on the cheek of the statue are indeed the blood tears of a saint, or of Christ for that matter, I will be confronted with a mystery whose answer may or may not be available to me. If I, along with a community of believers, am convinced that this is a miracle, then I will commit myself to the account that the divinity is at work here. Divinity

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<sup>124</sup> See Valéry, “The Idea of Art,” 70–71.

as the answer to the miracle, however, counts as a source of causality outside of the miracle to the extent that no matter how deeply in awe we all are at the sight of the miracle, the statue remains a contingent sign signifying something beyond itself. This is different from an enigma or “dark saying.”<sup>125</sup>

The enigma and the answer to the enigma cannot be separated from each other in the same way that the mystery and its solution can be. When the mystery of a heinous crime is finally solved, the horror of the crime, which we experienced even before the solution was found, continues to linger with us. We know for certain that there *is* a heinous crime. This does not hold true for an enigma. Without the answer, we cannot even make sure there is an enigma in the first place. The very organization of elements of the enigma as a linguistic product follows the principle that is given by the word, name, concept that is to be the answer to the enigma. In the absence of the answer it is hard to verify the authenticity of the enigma. The principle given by the answer can organize the articulation of the enigma so as to make it possible for us to discern a logic in the way the enigma is phrased, but this logic widely differs from one enigma to another. To take a most famous riddle in the Western tradition, the Sphinx asks, “Which creature has one voice and yet becomes four-footed and two-footed and three-footed?” It is only in light of Oedipus’s answer, “Man,” that the apparently arbitrary phrasing of the riddle assumes necessity: because man as a baby crawls on all fours, as an adult walks on two feet, and in old age uses a walking stick.

If the artwork according to Adorno poses an enigma, it is thanks to the possible existence of an answer that the elements of the work-enigma configure themselves. The work can fail to be an enigma or deceptively pass itself off as a false enigma, just as the Sphinx could pose its enigma thus, “What creature has one voice and yet becomes one-footed and three-footed

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<sup>125</sup> This is according to LSJ’s definition of ἀνίγμα (ατος, τό), the Greek for enigma or riddle.

and five-footed?” to which there is no answer, even though the question still feels like a riddle. A true riddle promises an answer; in the artwork, “as in enigmas, the answer is both muted and demanded by the structure” (“verschwiegen und durch die Struktur erzwungen”; Translation modified; AT: 124/ÄT: 188). In order for the structure of the work to be capable of demanding a muted answer, it must obey a purposefulness and yet, just as in enigmas, this purposefulness is of an indeterminate nature or else there would be no enigma.<sup>126</sup> But what if the artwork poses a false enigma? Adorno takes this potentially deceptive, illusory quality of the artwork that has captured our attention to be part of its enigmatic character, “Whether the promise is a deception—that is the enigma” (AT: 127/ÄT: 193).<sup>127</sup> It is not the case that we first assure ourselves that the object in front of us is an artwork and then, like a detective, go after its solution. If we do not see the object as a unity aesthetically separated from its context, rightly or not, if we view it as a social fact like any other facts produced in a system or apparatus, there will be no enigma to begin with. The relation between this enigma and the answer that is demanded but not given positively by the work takes us to the new concept of history at work in the longer passage quoted above on truth-content.

Here the concept of history performs a different role, it no longer is merely the real condition of the artworks of which the works are supposed to be aware in order to avoid becoming fetishistic or phantasmagorical. If history as external condition of the works is to betray the social fact of the posited-ness of the artwork, stripping it of the semblance of being-in-themselves, here history does the opposite: “History alone frees the work from being merely

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<sup>126</sup> The German term *Rätsel* or in its older form *Rätzetel*, is defined in a sixteenth-century document in a similar manner, that is, as a *Sinnbild* or sensible/sensate image that appears irrational and yet contains something intelligible and rational. A *Rätzetel* is “an image that through similarity with an irrational thing brings forth the life and customs of a rational one in a concept” (“Ist ein Bild welches durch Gleichheit eines unvernünftigen Dinges das Leben und die Sitten eines vernünftigen in einem Conceptu vorstellt”). Daniel Georg Morhof, *Unterricht von der Deutschen Sprache und Poesie* (Kiel, 1682), 773–774, [https://deutschestextarchiv.de/book/show/morhof\\_unterricht\\_1682](https://deutschestextarchiv.de/book/show/morhof_unterricht_1682).

<sup>127</sup> “Ob die Verheißung Täuschung ist, das ist das Rätsel.”

something posited or manufactured.” Viewed from the standpoint of being merely posited, the work gets caught up in the predicament of separation/repetition that we laid bare before. Participation in history is to free the work from that predicament, that is, both from its activity in separating itself through form and from its passivity in imitating the nexus of effects from which it separates itself.

These two moments taken together as one concrete mode of existence produce an image. It has its own look or face. It generates a content. The work becomes something that appears in a certain way. We no longer deal with isolated characters of the work. The working of the artwork really stops here, it can do no more than posit itself in virtue of its specific configuration of sensuous elements. When Adorno says that the artwork does not “communicate” its truth-content, and that its truth-content is “unposited,” he means that the truth of this content is not anything positively given in the work. The way that the end result of the work’s operation in its two characters manifests itself acquires its own eloquence without signifying anything positive, any determinate meaning. Even though artworks do not produce any effect that is to interact, as it were, with society’s nexus of effects, they do produce an image or shape (*Gestalt*) (ÄT: 359). To refer to this quality of the artwork, Adorno uses terms such as the language-character, eloquence, of the image-character.<sup>128</sup> On par with the sublime-ridiculous rhythm noted above, autonomous works participate in the total context of their genesis, that is, history, by letting go both of their own aesthetic separateness and their imitating society by resorting to meanings and functions.

The participation in history grants a temporal nucleus to artworks. It binds them to a specific historical moment and context from which the work receives its elements, its law of

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<sup>128</sup> See, “Schrift” (ÄT: 122, 126, 135, 189, 264, 304); “Sprachcharakter” (ÄT: 172, 249, 250, 308, 413), “Beredt” (ÄT: 39, 55, 67, 125, 140, 306, 314, 353); “Bildcharakter” (ÄT: 130, 133, 142, 200).

form, even its force enabling it to separate itself, “If artworks are alive in history by virtue of their own processual character, they are also able to perish in it” (AT: 178/ÄT: 255).<sup>129</sup> Works use notes, words, tropes, colors, blocks of marble, and images that are available to them. They have body in virtue of being material objects. They find themselves in optical, acoustic, verbal, and tactile fields of the time and form their own synthesis of elements. The fittest term to refer to this end result of the work’s immanent process of configuration and its entrusting itself to its context is figure.

On account of its early appearance in his works, the concept of *Figur* testifies to the presence of a unifying theme in Adorno thought. This is the case in “The Actuality of Philosophy.”<sup>130</sup> In the philosophical context of that inaugural speech, figure is held to be the shape of a question or a problem that the philosopher configures and it consists of the elements of reality, but is itself not directly present in reality as something objective. The way the elements of the figure or of the question are put together follows a logic that is not actually given to the philosopher, “Philosophy has to bring its elements, which it receives from the sciences, so long in changing constellation . . . as for them to get into figure, a figure that can be legible as an answer while at the same time the question itself disappears.”<sup>131</sup> The

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<sup>129</sup> For a discussion of art’s temporal nucleus and its relation to historical moment, see Günter Figal, *For a Philosophy of Freedom and Strife: Politics, Aesthetics, Metaphysics* (Albany: State University of New York Press 1998), 109–124.

<sup>130</sup> Erich Auerbach composed his famous essay on the philological and semantic history of “figura” in ancient and medieval literature around the same time as Adorno first turned to the term in his inaugural speech. See Erich Auerbach, “Figura,” in *Figura: Dynamiken der Zeiten und Zeichen im Mittelalter*, ed. Christian Kiening, Katharina Mertens Fleury (Würzburg: Königshausen & Neumann, 2013), 263–300. For an English translation, see “Figura,” trans. Ralph Manheim, in *Scenes from the Drama of European Literature* (Minneapolis: University of Minnesota Press, 1984), 11–78.

<sup>131</sup> “Philosophie [hat] ihre Elemente, die sie von den Wissenschaft empfängt, so lange in wechselnde Konstellationen [. . .] zu bringen, bis sie zur Figur geraten, die als Antwort lesbar wird, während zugleich die Frage verschwindet” (“Die Aktualität der Philosophie.” GS 1, 335). In Foster’s words, “Adorno is arguing that the illumination of a concept through its context allows the concept say something, even though it is not being used to produce statement. What concepts ‘say’ is not a piece of information about the world, it is something about themselves, and their own relation to the world.” Roger Foster, *Adorno: the Recovery of Experience* (Albany: State University of New York Press, 2007), 50.

configuration of a figure out of the elements of reality resembles the separation of the artwork through forming disparate elements.

*Figura*, Auerbach remarks, as the product of “Hellenization of the Roman education in the last century BC,” originally as well as in later uses of the term meant plastic form, that is, the external shape of an object.<sup>132</sup> As to its proper Greek lineage, he links it to one of the two senses of “form” in Aristotle that I indicated earlier, namely, μορφή as opposed to εἶδος. To complicate matters further, Auerbach refers to other candidates in Plato and Aristotle, both recalling even more emphatically the perceptible character of form, “*morphē . . . schema, typos, plasis.*” Yet, the point that he wants to make relates to the birth of the double sense of the term form (*forma* in Latin) in the spirit of Aristotle’s definition of μορφή or shape, “*schema tēs ideas* [the pattern of its idea or form], the ideal form; thus Aristotle employs *schema* in a purely perceptual sense to designate one of the qualitative categories.” Aristotle gives this definition in the context of defining the multiple sense of matter in his thought. Once, it is “of the nature of substratum,” meaning the formless, unthinkable stuff out of which something comes to be, then, it is shape (σχῆμα), and finally, it is the “combination of these.”<sup>133</sup> Auerbach then adds that *figura* was usually used to render the Greek shape. What we can take away from this philological excursus is the presence both of the sensible and the ideal in the concept of figure.

The term that transports the philosophical notion of the figure into the aesthetic in Adorno turns out to be that of enigma. In *Aesthetic Theory* we read, “Artworks share with enigmas the duality of being determinate and indeterminate. They are question marks, not univocal even through synthesis. Nevertheless their figure [*Figur*] is so precise that it determines the point

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<sup>132</sup> Auerbach, “Figura,” 11, 10.

<sup>133</sup> Aristotle, *Metaphysics*, 1029a2–4. Auerbach, 14.



where the work breaks off.” The breaking off of the work should be understood as the limits of aesthetic separation or aesthetic positedness. At this point, once the figure was fully formed, the work has to let go; it cannot control the trajectory of its meanings, of its interpretations, of its functions, the conditions of its receptions, the passing of time. In any case, it does suggest how it is to be read, but “As in enigmas, the answer is both hidden and demanded by the structure. This is the function of the work's immanent logic, of the lawfulness that transpires in it” (ÄT: 188/AT: 124).<sup>134</sup>

The figure of the autonomous artwork contains the answer to its enigma; the work figures the answer. In fact, it can be taken as an answer to the following question that Adorno formulates as the paradox of art, “How can making bring into appearance what is not the result of making; how can what according to its own concept is not true nevertheless be true?” (AT: 107/ÄT: 164).<sup>135</sup> Finding the answer for Adorno involves the act of interpretation. Even though he believes the interpretation can solve the enigma, the antinomy of the artwork remains unresolved as “The antagonisms of society are nevertheless preserved in it” and “Giving form [*Gestaltung*] to antagonisms does not reconcile or eliminate them” (AT: 168/ÄT: 252, and AT: 199/ÄT: 283). Insofar as the aesthetic experience of the artwork is concerned, for Adorno, “[C]onsciousness of the antagonism between interior and exterior is requisite to the experience of art” (“Draft Introduction,” AT: 349/ÄT: 520). Listening to Beethoven or reading Beckett cannot help but be accompanied by a sense of conflict and unease, such a feeling is indeed a sign of a genuine aesthetic experience.

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<sup>134</sup> “Mit den Rätseln teilen die Kunstwerke die Zwieschlächtigkeit des Bestimmten und Unbestimmten. Sie sind Fragezeichen, eindeutig nicht einmal durch Synthesis. Dennoch ist ihre Figur so genau, daß sie den Übergang dorthin vorschreibt, wo das Kunstwerk abbricht. Wie in Rätseln wird die Antwort verschwiegen und durch die Struktur erzwungen. Dazu dient die immanente Logik, das Gesetzhafte im Werk.”

<sup>135</sup> “Wie kann Machen ein nicht Gemachtes erscheinen lassen; wie kann, was dem eigenen Begriff nach nicht wahr ist, doch wahr sein?”

*Aesthetic Theory* leaves behind a metaphysical vestige in its treatment of art's double character. On its manifest appearance, metaphysical for Adorno is the fact that a made thing, something posited, can appear as something not made, that it can be true (see AT: 131/ÄT: 198; cf. also AT: 179/ÄT: 267). On its latent appearance, the antinomy of the double character is resolved through the endless implications of the work that stand in need of interpretation. Here we face the very conception of the force of the subject—that spiritual thread weaving together the otherwise disparate members of the work's body—that is supposed to rescue the work from subscribing to the modes of bourgeois society in virtue of a sublime yet ridiculous intervention in it. Where is the source of this force? Whence comes the power of this subjective intervention? The three remaining chapters of this dissertation make efforts to answer these questions.

## CHAPTER TWO

### THE LITERARY ANTINOMY AND ITS RESOLUTION IN HEINRICH VON KLEIST'S MICHAEL KOHLHAAS

Chapter Overview:

§ 1 *Michael Kohlhaas's* Problem

§ 2 Michael Kohlhaas's *Sache*: The Tronkenburg Case

§ 3 Michael Kohlhaas's Anti-*Sache*: The Jüterbog Prophecy

§ 4 *Michael Kohlhaas's* Solution: The Wittenberg Argument

#### § 1 MICHAEL KOHLHAAS'S PROBLEM

At issue in Heinrich von Kleist's 1810 *Michael Kohlhaas* is a legal case over a pair of black horses belonging to the sixteenth-century horse dealer Michael Kohlhaas from the state of Brandenburg. One day, as he is crossing the border into Tronkenburg in the state of Saxony for trade purposes, his two horses are taken away from him under false pretenses (unnecessary transit papers). Two weeks later, he finds his horses in a ruinous state; they have been overworked and mistreated by the local nobleman Junker Wenzel von Tronka. The main plot of the novella revolves around Kohlhaas's attempt to seek justice for himself by demanding that his horses are restored to their original healthy and well-fed condition. This constitutes Kohlhaas's *Sache* (matter, case) throughout and it is in this context that the novella's narrative unfolds.<sup>1</sup>

The story of the litigation, vengeance, victory, and death of Kohlhaas is narrated in roughly three parts. The first part begins in Tronkenburg, the primary scene of the conflict. To resolve

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<sup>1</sup> The term *Sache* (matter, case, cause) appears with significant frequency, used by various figures, throughout the story (23, 27, 35, 37, 41, 47: *Streitsache* 'the dispute case or matter,' 49, 56, 60, 62, 91, 105). Likewise, in one of the two or three historical sources that Kleist must have consulted while composing *Michael Kohlhaas*, namely the story of Hans Kohlhaase in *die Märckische Chronik* by Peter Hafftitz (ca. 1520–1602, published in 1731), the term *Sache* comes up: "... seine Sache befodern zu behelffen ...". Bernd Hamacher, *Heinrich von Kleist: Michael Kohlhaas*, Erläuterungen und Dokumente, (Stuttgart: Reclam, 2003), 64.

his case, Kohlhaas first takes the legal path in Dresden by filing a legal complaint. After days pass with no response, Kohlhaas learns that his complaint was ignored because of nepotistic influences. He then takes up arms and attacks a number of other Saxon cities to avenge himself, riding after the fleeing Junker. The second part of the novella begins with Kohlhaas's visit to Martin Luther in Wittenberg following the latter's enraged open letter condemning his revolt. Although Luther does not bless his cause, he does intervene to guarantee Kohlhaas safe passage to Dresden, in order to bring his case against the Junker to the Dresden court again. After becoming snared in a trap laid by the Saxon officials to dismiss his nearly successful case, he is arrested and sentenced to death. At this point, however, the Elector of Brandenburg intervenes and Kohlhaas is transported to Berlin for a new trial. According to the classical rhetoric, the novella's subject-matter, Kohlhaas's lawsuit, demands forensic statements regarding the the who, what, when, why, and where of the incident in question.<sup>2</sup> This motivates the sequential development that governs the narrative format of *Michael Kohlhaas* during its first two parts. However, the last part of the novella takes a radically different turn through flashbacks to an earlier encounter in the marketplace of the city of Jüterbog between Kohlhaas and a gypsy woman who claims to know the future, and who eventually helps with his cause.<sup>3</sup>

Traditionally, the key difficulty in interpreting *Michael Kohlhaas* pertains to the role of this

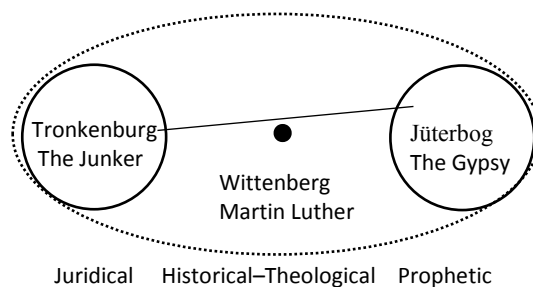
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<sup>2</sup> On the forensic or judicial, as one of the three main types of rhetoric, Aristotle writes that "The party in a case at law is concerned with the past." *Rhetoric*, I, 1358b, qtd in Richard Lanham, *A Handlist of Rhetorical Terms*, 2<sup>nd</sup> ed. (Oakland, CA: University of California Press, 1991), 165. For the classical definition of the rhetorical and juridical concept of issue, see *ibid.*, s.v. "Issue," 93–94.

<sup>3</sup> Müller-Salget refers to a five-act tragedy embedded in the tripartite division of the novella. Act I in the first part recounts the emergence of the conflict and the legal path Kohlhaas takes until the death of his wife Lisbeth. Acts II and III in the second part deal with Kohlhaas's violent acts and the legal-political debates around the conflict. his Act IV would then cover the events from the Elector of Brandenburg rescuing Kohlhaas from death penalty in Saxony to the latter's meeting with the gypsy woman in the Berlin prison cell. And the conclusion of the novella with its resolution would constitute the last act in the last part. "Kommentar," in Heinrich von Kleist, *Sämtliche Erzählungen, Anekdoten, Gedichte, Schriften* (Frankfurt am Main: Suhrkamp, 2013), 719–20.

“enigmatic figure of the gypsy woman” for the novella as a whole,<sup>4</sup> or, rather, to the way that the juridical, forensic order of the first parts of the novella relates to the prophetic order of the last part. The novella divides itself into two opposing centers; unifying them into one rule-governed whole poses a distinct structural problem. While the narrative of the novel concerns a simple legal case that grows into a massive conflict for Michael Kohlhaas the protagonist, I will show how this structural problem ripens into a strict antinomy for *Michael Kohlhaas* the novella.

I will argue that what appears to be the drawback of *Michael Kohlhaas*’s—that is, the introduction of the gypsy figure, proves, in fact, to be its key to solving a deeper problem:<sup>5</sup> how to constitute itself as an autonomous work of literature in freedom from other social spheres of practice in the context of a nascent bourgeois society. Buried within the novella is a formal structure subsuming its two centers, or focal points—juridical and prophetic, forensic and fantastic—with no debilitating conflict. Figure 1 below illustrates this formal structure: an oval shape with a double center and one middle focus point between them.<sup>6</sup>



<sup>4</sup> See Theodor Pelster, *Heinrich von Kleist. Michael Kohlhaas. Lektüreschlüssel* (Stuttgart: Reclam, 2004), 18. Hamacher refers to this figure as one of the “greatest uncertainties or indeed mysteries in Kleist’s story” (264).

<sup>5</sup> Of the figure of the gypsy woman in the last pages of the novella and all that comes with it, Ludwig Tieck dismissively writes that Kleist leads the audience through “a fantastic dreamworld which we cannot unify with the preceding events which we have so precisely learnt from him.” Hamacher, *Michael Kohlhaas*, 95–96.

<sup>6</sup> I owe this insight to Földényi’s concise interpretation of the novella F. László Földényi, *Heinrich von Kleist. Im Netz der Wörter* (Munich: Matthes & Seitz, 1999), 530.

## Figure 1

The middle focus of the novella, the Luther scene in Wittenberg serving as its turning point, and provides the framework for the novella to cultivate the relationship between its two centers, holding them together. It functions as a bridge to elevate the novella from one order of discourse to the other, mediating the settlement of the conflicting juridical and prophetic, real and fantastic, poles of the story. My interpretation of *Michael Kohlhaas* rests on two premises that I will substantiate in the course of this chapter. First, the forensic development of the events forming the subject matter of the first parts of the novella, or its *Sachlichkeit*, is not sufficient to qualify *Michael Kohlhaas* as a literary work, nor does it do justice to Kohlhaas's case or *Sache*. Second, there is indeed a form of lawfulness at work in the novella that cannot be reduced to the sequential unfolding of events and the juridical settlement of the matter at hand, especially because the lawsuit does not find a satisfying resolution in the forensic part. This lawfulness is enabled by, though not identical with, the anti-*sachlich*, prophetic order of the last part of the story. It is only because of the prophetic order at the end that the novella begins to claim its own aesthetic, autonomous essence. The fantastic order on its own, however, does not guarantee the autonomy; only the novella's attempt to justify the lawful relation between the two orders can secure its claim to be autonomous.

### § 2 MICHAEL KOHLHAAS'S *SACHE*: THE TRONKENBURG CASE

The legal conflict over the pair of horses taken away from Kohlhaas by the Junker's men is Kohlhaas's *Sache*. To his wife Lisbeth, who tries to talk him out of resorting to any extreme measures to provide himself justice, Kohlhaas replies, "What shall I do? Shall I give up my

suit?” (MK: 108: 32) <sup>7</sup> Earlier in the story, after seeing his miserable horses, “the very image of misery in the animal kingdom!” (MK: 92/14), he declares before the Junker and his men, “I want my well fed and healthy horses back!” (MK: 94/16). This remains the core of his claim. Put in juridical language, Kohlhaas’s *Rechtssache* (legal case / matter of right) as he originally filed to the court of Dresden is equally straightforward, “to restore . . . horses to . . . their original condition” (MK: 100/23). Towards the end of the novella even the Emperor, in his letter to the Elector of Saxony, complains that “the Kohlhaas case” has been made by the Elector “a matter for the entire Holy Roman Empire” (MK: 168/105).

All the same, Kohlhaas himself was absent from Tronkenburg for the two weeks during which the Junker’s men ruined his two horses. It was his groom Herse that stayed at the Junker’s castle. Kohlhaas now has to find out if the whole matter was really the Junker’s fault or if Herse, who told him the story, may have also been at fault. His absence therefore made Herse’s forensic interrogation scene necessary early on (MK: 94–100/18–22). Once he comes to believe Herse’s story, Kohlhaas is now capable of two things: telling his wife “the whole course and inner coherence of the story” (“den ganzen Verlauf und inneren Zusammenhang der Geschichte,” MK/23) as discovered through Herse, and, based on that *sachliche* story, setting out to demand “public justice.” The *Sache* is clearly associated with the inner coherence of the account of the Tronkenburg incident. We the readers, however, have yet to see whether the *Sachlichkeit* of its narrative will guarantee the inner coherence of the novella itself.

As a legal term, the *Sache* is defined by the 1794 *General State Laws for the Prussian States* thus: “The matter as such [*Sache als solche*] signifies from the perspective of the law all that which can be the object of a right or a bindingness.” <sup>8</sup> In this sense, as the document’s §2 makes explicit,

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<sup>7</sup> “Was soll ich tun? soll ich meine Sache aufgeben?”

<sup>8</sup> *Allgemeines Landrecht für die Preussischen Staaten von 1794*, ed. Hattenhauer, Hans (Frankfurt am Main: A. Metzner, 1970), II. §1.

even the actions of human beings, as well as their rights, can be considered under the concept of the *Sache*. In a narrower sense, according to II. §3, the *Sache* is only that which, either by nature or through human beings, has a self-standing or independent character. It is this independent substance that makes the thing into the object of a permanent right, otherwise the thing could not be recognized over time as the same thing claimed by a person. The *Sache*, whether as a human action or a right or a thing, is that which one can claim, regulate, alienate, or sanction, so that the authority protecting that claim can punish those violating it.

A thing can be the object of right, however, only thanks to the existence of a legal definition determining what substantiates the *Sache*, what qualifies as ownership of it, and what constitutes the damaging of it. If something in the capacity of a *Sache* can be the object of right, bindingness, and thus law, it means that its particular quality as a thing or deed or even thought is essentially capable of being claimed as the object of universal validity. So, a pair of horses are associated with an abstract concept—or right—initiating a whole complex process of rectifying what went wrong with them.<sup>9</sup> Even so, claiming animals as one's legal things is not an unproblematic claim. The Prussian Law is at pains to define what makes up the substance of, say, a pair of horses. It does not reserve any specific definition for the substance of an animal as *Sache*, presumably because the force of nature in the case of organic life inflicts a kind of inevitable and rapid decay that differs from inorganic things losing their quality and thereby perhaps substance over time (cf. §101). The concept by which Prussian Law regulates the ownership of an animal is the same as that which Kohlhaas keeps demanding for his

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<sup>9</sup> As Graham notes, in so far as Kohlhaas's sense of right is concerned, it "is one of *universalium in re* [the universal in a thing]. That is to say, it is a strictly private and personal conception, wholly governed by, and geared to, that actual configuration of facts which his untoward experience presents to him. . . . Everything in the total chance-conglomerate offered to his perception to him seems relevant and goes into the making of the conception of justice he frames." Ilse Graham, *Heinrich von Kleist: Word into Flesh: A Poet's Quest for the Symbol*. Walter de Gruyter, 1977, 214.



horses: restoration (*Wiederherstellung*). An ill animal, abandoned by its hitherto owner, once taken into care and restored to its original condition is legally considered the property of the caregiver (see I. § 18).

In this way, restoration in the language of the novella qualifies as a legal term bearing on its protagonist's *Sache*. This is a key concept insofar as what the horse owner demands are not just his horses ('who cared nothing about the horses themselves' "dem es nicht um die Pferde zu tun war"; MK: 104/12), but his right to his well-fed, healthy, properly fattened horses. After all, at any time, he could have returned to Tronkenburg to retrieve them as he was constantly advised by others to do (e.g. MK: 101/24; see also the Luther scene, MK: 127/54).<sup>10</sup>

This *Sache* is also the novella's *Sache*: it is the matter around which everything should revolve and be organized, down to the very syntax of the work. A typical sentence in Kleist's narrative includes two or three aspects of the matter at hand in tensely woven structure. The frequency of clauses in sentences stresses the conditions and quality of an event by referring to what has happened in the past, or in the meantime, or during the formation of that event:

Meanwhile, the Junker had been released from his prison in Wittenberg and, after getting over a dangerous attack of erysipelas that had inflamed his foot, he had been peremptorily summoned to appear before the Dresden court to answer the charges made against him by the horse dealer Kohlhaas concerning a pair of black horses that had been unlawfully taken from him and ruined by overwork (MK: 136/65).

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<sup>10</sup> It is remarkable that, during the post-Tronkenburg course of the novella, apart from the initial encounter with the miserable animals that initiated the conflict, Kohlhaas happens to see his horses at two different occasions at which he shows no enthusiasm nor willingness to have them. The first time is when he invades the Tronka castle with his men (see MK: 121/47) and the second time when the knacker brings the horses to the Dresden square. Here Kohlhaas is invited to identify the horses, "the horses tied to this cart are mine" ("die Pferde, die an seinen Karren gebunden sind, gehören mir") (MK: 139–140). He does not want to have them in their miserable condition. So, though he recognizes his horses, he does not see, to use the above legal term, the substance of them.

The Junker's infected foot is brought up in the same breath as the main matter of the novella, namely Kohlhaas's complaint in regard of his horses.<sup>11</sup> Another case, mentioned by a late nineteenth-century commentator as an example of Kleist's *Sachlichkeit*, is the following passage (the first quote is from the 1810 final version of the novella and the second from the shorter, 1808 version in the journal *Phöbus*):

Kohlhaas called her his brave wife, spent that day and the next very happily with her and the children and, as soon as his business permitted, set out for Dresden to lay his complaint before the court.

Kohlhaas kissed her, called her his brave wife, rested no longer than a single night by her, and set out the next morning to begin his work.<sup>12</sup>

What is striking in these variations, in their apparent brevity and insignificance, is the predominance of Kohlhaas's main concern over everything else. In both versions, haste is emphatic, whether in the familial matters or in those of his trade. The narrative does not linger over Kohlhaas kissing her wife and children, despite the likely weight of such moments for Kohlhaas's inner life. He is rather eager to turn to the actual matter of the story, to his "Werk" (work) that must be started: going to the court in Dresden and filing his complaint against the Junker. A similar syntactical rhythm repeats itself when Kohlhaas says farewell to her deceased wife. In the *Phöbus* fragment we read:

Kohlhaas thought: —; kissed her as tears streamed down his face, pressed

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<sup>11</sup> Michael-Klaus Bogdal holds the main achievement of Kleist's complex syntax to be a kind of "flexible synchronization or separation of temporal courses in a way that is not to be found in the prose of the nineteenth century." *Heinrich von Kleist. Michael Kohlhaas*. (Munich: Wilhelm Fink, 1981), 25.

<sup>12</sup> "Kohlhaas nannte sie sein wackeres Weib, erfreute sich diesen und den folgenden Tag in ihrer und seiner Kinder Mitte, und brach, sobald es seine Geschäfte irgend zuliessen, nach Dresden auf . . ."

"Kohlhaas küsste sie, nannte sie sein wackeres Weib, ruhrte auch nicht länger, als eine einzige Nacht, bei ihr aus, und brach schon am nächsten Morgen auf, um sein werk zu beginnen."

Qtd. in Georg Minde-Pouet, *Heinrich von Kleist: Seine Sprache und Sein Stil* (Weimaer: Emil Felber, 1897), 68.

her eyes, and dismissed the spiritual.<sup>13</sup>

And in the 1810 version:

Kohlhaas thought: “May God never forgive me the way I forgive the Junker!”  
kissed her with the tears streaming down his cheeks, closed her eyes, and left  
the room (MK: 110/35).<sup>14</sup>

Two points on this passage are in order. First, the dotted, blank space in the early version, between Kohlhaas thinking and kissing, is filled in the final version by one more reference to his matter at hand through the name of the Junker.<sup>15</sup> That Kohlhaas does not intend to forgive him, as the dying Lisbeth begged him to do by putting her finger on biblical verse, only means that his *Sache* is not to be given up (the exact same refusal holds later on in the Luther scene). Once again, his most intimate familial conduct is punctuated by his preoccupation with his lawsuit.

Second, in the narrative it takes the author about half a page to describe the preparation of a relatively resplendent funeral for Lisbeth in an equally hasty tempo, and once the guests were dismissed, Kohlhaas undertook the “business of revenge” (*Geschäft der Rache*), which was to be the next major step in pursuing his *Sache* after the initial, legal one. Just before that moment, during the funeral he had received a letter of resolution from the Elector of Brandenburg in

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<sup>13</sup> “Kohlhaas dachte: -- -- --; küßte sie, indem ihm häufig die Tränen flossen, drückte ihr die Augen zu, und entließ den Geistlichen.” The Phöbus fragment published in parallel to the book version, “Michael Kohlhaas,” in *Sämtliche Erzählungen: Text und Kommentar*, ed. Klaus Müller-Salget (Frankfurt a. M.: Suhrkamp, 2013), 60.

<sup>14</sup> “Kohlhaas dachte: 'so möge mir Gott nie vergeben, wie ich dem Junker vergebe!' küßte sie . . . und verließ das Gemach.”

<sup>15</sup> In a very negative review of the 1808 version of the novella, a contemporary reviewer, Böttiger, writes, “Was wir Seite 33 aus dem Gedankenstrichen, als Kohlhaasens Weib gestorben war: 'Kohlhaas dachte -- -- -- küßte sie usw.' machen sollen, können wir auch nicht einsehn” “It is also not clear what we are supposed to make of the dash when Kohlhaas's wife was dead: 'Kohlhaas thought -- -- --; kissed her and so on.’” *Heinrich von Kleist's Lebensspuren: Dokumente und Berichte der Zeitgenossen*, ed. Helmut Sembdner (Frankfurt am Main: Insel, 197), no. 296a. The matter-of-factual quality of Kleist's sentences must have played a role in this particular reception, notwithstanding even the otherwise most probably bad taste of the reviewer.

response to the petition that Lisbeth had fatally handed to him, “he was commanded to fetch the horses home from Tronka Castle and let the matter drop, on pain of imprisonment” (“er solle die Pferde von der Tronkenburg abholden, und bei Strafe, in das Gefängnis geworfen zu werden, nicht weiter in dieser Sache einkommen”) (MK: 111/35). The command to “drop the matter” is of course ignored by Kohlhaas; he does take up the matter all over again, and this time violently.

Beyond the prose style, there is still a more fundamental notion of *Sachlichkeit* at play in his work. The story’s matter at hand with its dual side (a particular case and a universal claim) involves a significant formal consequence: the matter grants the novella an inner lawfulness and factualness in the unfolding of its plot. Kohlhaas’s legal case, or issue of right, by its nature secures the lawful, rational, and transparent course of the story,<sup>16</sup> since the steps of developing the plot are governed by the logical demands of the legal case. When the horse dealer decides to take the matter in his own hands, he sends a notice to the Junker, giving him a three day ultimatum, which Kleist refers to as Kohlhaas’s *Rechtsschluß* (decree) (MK: 111/35). A word by word rendering would give us “right deduction” or rightful conclusion enforced by virtue of his “angeborenen Macht” (inborn authority).

In this sense, “the portrayal of the first part still obeys nothing less than mathematical laws. . . . The legal case of Kohlhaas is exposed in the mode of presentation of the legal science.”<sup>17</sup> The sequential progression and sustained focus on the matter define the *sachlich*, juridical style of the novella. The juridical statement is a determining statement that subsumes all particular cases, events, feelings under a concept.<sup>18</sup> Insofar as the governing concept in the narrative of

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<sup>16</sup> See Klaus-Michael Bogdal, “Mit einem Blick, kalt und leblos, wie aus marmornen Augen. Text und Leidenschaft des Michael Kohlhaas,” in *Heinrich von Kleist. Studien zu Werk und Wirkung*, ed. G. Dirk and K. M. Bogdal (Opladen: Westdeutscher, 1988), 192.

<sup>17</sup> Franz M. Eybl, *Kleist-Lektüren* (Stuttgart: WUV, 2007), 189, 187.

<sup>18</sup> Cf. Bernhard Greiner, *Kleists Dramen und Erzählungen: Experimente zum 'fall' Der Kunst* (Marburg: Francke, 2000),

*Michael Kohlhaas* continues to be Kohlhaas's matter of right, it continues to render describable whatever comes along its way.

A document from the period, Wilhelm Grimm's 1810 review of Heinrich von Kleist's newly published stories makes the following remark on Kleist's prose style:

The presentation [*Darstellung*] relentlessly speaks through itself alone, in a clear and comprehensible manner, and it does not thus need the miserable aids of remarks and rebukes with which the common narrators try to help up their lifeless products. The presentation also tends, often permeating the smallest details, to the eloquent individuality, without losing itself in any of them.<sup>19</sup>

If by the "common narrators" of the time here are meant the Romantic writers with their emphasis on poeticization, feelings, subjectivity, then a *sachlich*, self-evident prose would be free of anything irrelevant to the life and movement of the *Sache* or matter in discussion. Nothing external or contingent seems then to be guiding this presentation other than its own proper object. It is the *Sache* itself that speaks. In light of the legal nature of Kohlhaas's *Sache*, we can then define the order of jurisprudence as an order of evidence or self-evidence.<sup>20</sup> Even though he was not really present at the original scene of the conflict in Tronkenburg—since he had gone to gone to fetch the transit document, he learned of it only by interrogating his servant Herse—Kohlhaas's certainty is the certainty of having evidence of a past event, or rather, of having a matter at hand that is by its nature self-evident: his two horses should not

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336.

<sup>19</sup> "Die Darstellung spricht stets durch sich selbst, klar und verständlich, und so bedarf sie der kümmerlichen Aushilfe von Betrachtungen und Zurechtweisungen nicht, womit die gemeinen Erzähler ihren leblosen Produkten aufzuhelfen suchen. Auch geht die Darstellung geht auf sprechende Individualität, oft in kleinsten Details eindringend, ohne sich in diese zu verlieren."

<sup>20</sup> As another evidence for the juridical relevance of the German term *Sache*, one could point to the Latin legal doctrine of "res ipsa loquitur" or "the thing speaks for itself." According to this doctrine, dating as far back as Cicero, certain things do not need a proof in the process of trial. The wrong can be inferred from the nature of the matter or incident itself. See *Lateinische Rechtsregeln und Rechtssprichwörter*, trans. Detlef Liebs, 1982 (Munic: C. H. Beck, 1998), 210. The German translation of the expression is "die Sache spricht für selbst." *Kleines deutsch-lateinisches Handwörterbuch*, vol. 2, ed. Karl Ernst Georges (Leipzig: Hofenberg, 1969 [1910]), 238.

have been taken from him and worked nearly to death.<sup>21</sup> Even where the legal conflict is a complex one, there must always be a self-evident point of departure, that is, *that* there is a perceived conflict between at least two parties. What Grimm calls the “eloquent individuality” in Kleist’s stories defines the path the juridical discourse is to take in our novella, organizing its elements around the presence of a single event, the Tronkenburg incident, and what follows from it. That the eloquent individuality of the smallest details does not devour the entire narrative owes, again, to the guidance and guardianship of the *Sache* over the process of holding together and ordering all the particular parts, mobilizing them for the sake of the case. Kohlhaas’s to and fro movement between cities in northwest Prussia in the states of Brandenburg and Saxony thus can be mapped out as trips guided by objectives related to his case, at least up to just before the Jüterbog incident:

From Tronkenburg, the original scene of the main conflict about the horses, Kohlhaas rides to Dresden to provide the transit document (*Passchein*) improperly required by the Junker’s castellan (MK: 90/14), and returns to Tronkenburg after a couple of weeks to fetch his horses, which he then found in miserable condition. As Kohlhaas heads to Dresden to file a complaint, he suddenly turns his horse around and heads for his hometown Kohlhaasenbrück for the sole reason of listening to his groom’s side of story (MK: 94/17).

Kohlhaas then rides to Dresden to file his complaint in the court (MK: 101/23). However, after the near year comes around with no meaningful progress, and Kohlhaas realizes that the legal path is blocked due to a blood relation between the Junker and the Saxon officials, his frustration reaches a climax point when his wife Lisbeth dies (the most unfortunate of “all the unsuccessful steps that he had taken,” MK: 109/33), and, at her funeral, he receives a

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<sup>21</sup> There is no counterargument offered in the novella as against Kohlhaas’s case itself. It is as if all the characters, and the narrator as well, firmly believe what happened in Tronkenburg was wrong. Luther clearly confirms that what Kohlhaas demands “is just” ‘ist gerecht’ (translation modified; MK: 127/54).

disappointing resolution from the state of Saxony in response to the petition that she, as a last resort, had fatefully, and, as it turns out, fatally, submitted on her husband's behalf. This spurs Kohlhaas to take up arms, first invading the castle of the Junker in Tronkenburg and then the major cities of the state. His battles near and inside Leipzig, Wittenberg, Mühlenberg are governed by his desire to pursue the fleeing Junker (MK: 111–121/36–49), and what puts an end to these battles is Martin Luther's open letter condemning his action (MK: 122/50).

What comes after Luther's intervention in the case (see § 3 below) has its own inner lawfulness in so far as it contains a number of legal and political arguments at various levels regarding Kohlhaas's case: Will he be granted amnesty or safe conduct (*freie Geleit*) to the Dresden court to renew his case filing? Will he be considered a rebel subject or a foreign enemy? (for the debates in the castle of Saxony between the Elector, Prince von Meißen, Graf Wrede, Graf Kahlheim, Hinz, Kunz, see MK: 129–133/56–61). The debates eventually lead to the Elector of Saxony giving Kohlhaas amnesty so that he is able pursue his case in the court of Dresden. From this point to the narration of incident in the Jüterbog marketplace, two turning points occur: one is the appearance of the knacker that brings Kohlhaas's miserable horses to the marketplace of Dresden (MK: 139–144/67–75), and the other is the Johann Nagelschmidt affair (MK: 148f/76f), one of Kohlhaas's militant men during his uprising who offers Kohlhaas unwanted support. Kohlhaas's case was approaching settlement when the Nagelschmidt affair, in tandem with a trap the Saxony statesmen had laid down for him, landed in the arrest of Kohlhaas, his trial, and ultimately his death sentence in the state of Saxony (MK: 157/91).

Were it not for the intervention of the Elector of Brandenburg, who claimed Kohlhaas as a dual subject of the two states of Saxony and Brandenburg, he would have been executed in Saxony and the story would have probably ended right there. After his encounter with Luther,

Kohlhaas the rebellious plaintiff falls into a passive role through the entire second part of the novella. His passivity reaches its climax when he is arrested. With his transfer to Berlin to appear before the high court, during the last twenty or so pages of the novella, however, a final, decisive turn of events comes along and the hitherto *sachlich* nature of the novella collapses.<sup>22</sup> Towards the end of the novella, there is an encounter, as part of a core motive, between two sovereigns and a gypsy woman (the *Zigeunerin*) in Jüterbog.

### § 3 MICHAEL KOHLHAAS'S ANTI-SACHE: THE JÜTERBOG PROPHECY

Though, chronologically, the gypsy woman makes her first appearance early in the first part of the story, the time of her entrance arrives only late in the third part. This occurs in the marketplace of the city of Jüterbog, where the Electors of Saxony and Brandenburg are also present along with the person of Kohlhaas in some distance from the other two. Her immediate role is to make two prophecies at the request of the Electors, which I will refer to as the “major” prophecy and “minor” prophecy. The major, famous prophecy addresses the fate of the Elector of Saxony’s person and throne. The readers never know the content of the prophecy, which the gypsy writes down on a piece of paper and hands to Kohlhaas who happens to be there. For the rest of the story the Elector desperately seeks it in vain. The minor prophecy, addressed to the Elector of Brandenburg, revolves around an animal, a roebuck. My goal here is to unfold the structure of the minor prophecy in the context of the

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<sup>22</sup> The movement of Kohlhaas in the two states can be broken down into his individuals travels among the following cities, all governed by the demands of the case and all are sequentially narrated except for the trip to Jüterbog which though takes place early on is narrated later on: ... → Tronkenburg → Dresden → Tronkenburg → halfway to Dresden → Kohlhaasenbrück → Dresden — after a year — Kessel → Kohlhaasenbrück → Tronkenburg → the Women’s Monastery Erlabrunn on the river Mulde → Wittenberg → Mühlberg → Leipzig → Wittenberg → Pirna → Kohlhaasenbürg → Dresden → Dahme → — Flashback to → Jüterbog ← . ... → Berlin.



Jüterbog incident so that I can situate it in the context of the novella as a whole.

The Elector of Brandenburg asks the gypsy woman to foretell the fate of his throne, but since he does not have any faith in her prophetic practices, he derisively challenges her to show a sign verifying her power. The gypsy offers this sign, “the big horned roebuck that the gardener’s son was raising in the park would come to meet us in the marketplace where we were standing, before we should have gone away” (MK: 170/107). She adds that the animal is well-hidden and locked up in the kitchen in the back of the garden. The Elector of Brandenburg, in turn, sends some of his men to the castle, and tasks them with killing the roebuck and having the animal prepared for the next day’s meal. This is meant as a joke on her to shame the gypsy’s ‘scheme,’ thereby rendering her prophecy null and void.

The story is left there; the gypsy simply moves to foretelling pleasant things about the sovereign’s future, receives some money, and turns to her conversation with the Elector of Saxony to make her second, major, prophecy. But soon after she suddenly vanishes in the crowd, the roebuck case is taken up again. As the Elector of Brandenburg’s guards show up with the news of the animal being killed, and while the Elector is euphorically boasting about his success in disclosing the gypsy’s swindle, the prophecy runs its course. The butcher’s hound runs out of the kitchen carrying the dead roebuck by the neck and lets it fall to the ground in front of the sovereign and his escorts. The Elector of Saxony the narrator puts it thus, “and so in fact the woman’s prophecy, which had been her pledge for the truth of everything she said, was fulfilled, and the roebuck, dead though it was, to be sure, had come to meet us in the marketplace” (MK: 172–173/110). The prophecy is fulfilled, for the roebuck does indeed come to the marketplace, “dead though it was, to be sure” (*obschon allerdings tot*), and a living roebuck had also not been specified in the woman’s prophecy. The sign that the sovereign asked for as the pledge of the gypsy’s true words proved genuine, after all. This verification

may very well be taken as the literary function of the minor prophecy of the gypsy woman. The minor prophecy does far more than that, however. The incident, according to my interpretation, is important in the following three fundamental ways:

First, the roebuck scene opens and concludes, and therefore precisely includes, the complex incident as a whole in the Jüterbog marketplace.

The temporality of the prophecy is to the extent precise that the narrative is in full, indeed beautiful, accord with the very claim of prophecy to knowledge of time to come: the little story is co-temporal with the time of the prophecy without any lapse. We witness the fulfillment of the prophecy as we read along until we indeed arrive at that point. In other words, the time that it takes for the butcher's hound to bring the dead roebuck to the marketplace, hence the prophecy to its fulfillment, more or less corresponds to the time that it takes for the narrative to be told, that is to say, about three pages: between the Elector's order to kill the roebuck (MK: 170/108) and the appearance of the roebuck in the marketplace (MK: 172/110). The operative time of the prophecy is filled with the gypsy woman's other deeds and words as recounted by the Elector of Saxony. The actual time of the narrative is the same as the lived time of the act. Meanwhile other conversations take place and, most important of all, the central, enigmatic act of the last part of the novella is recounted: the gypsy woman hands the piece of paper in a locket, presumably containing the answers to the three questions with regard to the fate of the Elector of Saxony, to Kohlhaas who happened to be passing by as we find out later from Kohlhaas.

Second, narratologically, since it is a flashback from the early days of the Kohlhaas case, the Jüterbog episode, of which the roebuck prophecy forms a part, is recounted three times in the novella from the standpoints of three characters. First by Kohlhaas in Dahme: on his escorted trip to Berlin to be tried in the state of Brandenburg, he happens to meet the Elector

of Saxony and Heloise (the wife of his chamberlain Kunz) and in answer to his inquiry about the locket around his neck, offers the first version. This lacks any reference to the roebuck case and simply relays how the locket was given to him by the gypsy woman. According to Kohlhaas, months ago on the day of Lisbeth's funeral—who was accidentally killed by the Elector of Brandenburg's guards as she was trying to submit her husband's petition—he comes across the gypsy in the marketplace of Jüterbog (MK: 162/97).<sup>23</sup>

Later on, and for the second time, the scene is recounted in the single longest narrative monologue in the novella from the standpoint of the Elector of Saxony; it is at this point when the roebuck case appears for the first and only time. We thus know of the minor prophecy of the gypsy woman through the Elector alone. The third and briefest version of the scene is told from the perspective of an “old woman” (*Weib*) with an “uncanny likeness” to Kohlhaas's wife, Lisbeth, inside the Berlin prison cell where Kohlhaas awaits his death sentence. She only mentions the act of handing the piece of paper in an indirect narrative, “She said . . . it would be wise, in her opinion, to use the paper for the purpose she had given him at the Jüterbog fair” (MK: 176/115). In this way, the Jüterbog incident enjoys a threefold inscription in the narrative, yet the roebuck scene appears only once. The importance of the minor prophecy reaches still further.<sup>24</sup>

Third, in terms of the structure of the act itself, the Elector of Brandenburg helps the gypsy woman fulfill her prophecy precisely by willing and acting to nullify it. According to the narrator of the motive, the prophecy was “indeed” (*in der Tat*) fulfilled, and this deed was, in

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<sup>23</sup> Of course, there is a contradiction in narrative here: as we know from the earlier pages of the novella, Kohlhaas passed through Jüterbog three days after Lisbeth's funeral as already notified to Wenzel von Tronka in Kohlhaas's letter to him. See 14.

<sup>24</sup> According to Földényi (*Heinrich von Kleist: Im Netz der Wörter*, 528), the scene is narrated twice, by Kohlhaas and by the Elector of Saxony. He does not take into account the brief reference to the scene by the gypsy woman in the cell. For him, the duplication of the narrated scene, with differences in versions, attests to the unsearchability of the incident in its *truth*, thereby of fate (529). There is no third, objective standpoint from which to verify the Jüterbog incident.

fact, the Elector's own intervention itself. Through his will, the Elector becomes part of the very context of prophecy, the validity of which he sets out to refute. The gypsy's prophecy creates a context that entangles the Elector's act within it. The prophecy opens up what could be called a circle of spell. The Elector thinks that he is in control of this circle, he proudly and confidently goes about nullifying its effect and thereby thwarting the prophecy. Yet, the very act of his will has him tangled up in the working and realization of the circle. He falls into the space of that spell.

Such a structure is heir to an ancient predicament originating, to name one major source, in the Greek tragic tradition. The most obvious case that comes to mind is the trajectory of Oedipus in Sophocles' *Oedipus the King*. The tragedy performs the structure of the spellbound will in its perfect form—that is, in the form of a complete circle of reciprocity between the former Laius the king of Thebes, the present king, and his son Oedipus, raised in the city of Corinth. With regard to two different prophecies, a spell besets both characters.

The tragedy opens with Oedipus the king, in a *post festum* state of affairs. In the course of the tragedy he learns step by step what he has, in fact done, to lead up to his position on the throne; namely, murdering the king of Thebes as well as his real father, Laius, and marrying his mother Jocasta. The reason why he ended up in Thebes instead of remaining in Corinth, which had been his home, was to evade the prophecy according to which he would kill his father and marry his mother. So, fleeing from Corinth lest he should kill the king Polybius, whom he believed to be his father, he indeed participated in the realization of the prophecy by killing his real father Laius and marrying his real mother Jocasta. In conversation with the prophet Tiresias who first informs him about his past, the outraged Oedipus asks, "Is this a plot of Creon, or thine own?" to which the former answers, "Not Creon, thou thyself art thine

own bane.”<sup>25</sup> The bane or trouble in which he is entangled is the outcome of his own will. The same pattern is at work in the case of Laius, the murdered king. Laius, too, unwittingly participated in the realization of his fate precisely by choosing to dodge it. In reaction to an oracle foretelling that his own son would slay him, he had his wife Jocasta leave their infant Oedipus on Mount Corinth to perish. The choice of that place was to put Oedipus in the hands of the king of Corinth.<sup>26</sup>

The trajectory of Oedipus poses a number of questions, some of which are still unresolved today, and nearly all of which are still relevant. What is the relationship between the two elements of this trajectory—the will and the mythical context of its realization? Why did Oedipus have to suffer such grave consequences that were in no way equal to his acts? What notion of justice could account for his fate? Among the answers offered to these questions, one stresses the notion of a curse running through a family, affecting the lives of the offspring.<sup>27</sup> Another claims that the tragic fate demonstrates that the gods ruling over the human beings are not to really just in any meaningful sense.<sup>28</sup> In any case, in tragedy the individual experiences a certain freedom and independence by allying him- or herself with a

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<sup>25</sup> Sophocles, *Oedipus the King*, *Oedipus at Colonus*, *Antigone*, trans. F. Storr (London: Macmillan, 1913), 37. The Loeb translation (Cambridge, MA: Harvard University Press, 1986) has it as “Creon is not your trouble, but rather you yourself.” The original Greek verse is “Κρέων δέ σοι πῆμ’ οὐδέν, ἀλλ’ αὐτός σὺ σοί.”

<sup>26</sup> *The Appointment in Samar* is a 1934 novel by John O’Hara rests on a similar notion of fate. Also, Somerset Maugham has written a version of it, based on the old Babylonian-Talmudic story of the encounter with death, “There was a merchant in Bagdad who sent his servant to market to buy provisions and in a little while the servant came back, white and trembling, and said, Master, just now when I was in the marketplace I was jostled by a woman in the crowd and when I turned I saw it was Death that jostled me. She looked at me and made a threatening gesture, now, lend me your horse, and I will ride away from this city and avoid my fate. I will go to Samarra and there Death will not find me. The merchant lent him his horse, and the servant mounted it, and he dug his spurs in its flanks and as fast as the horse could gallop he went. Then the merchant went down to the marketplace and he saw me standing in the crowd and he came to me and said, Why did you make a threatening gesture to my servant when you saw him this morning? That was not a threatening gesture, I said, it was only a start of surprise. I was astonished to see him in Bagdad, for I had an appointment with him tonight in Samarra.” <http://www.k-state.edu/english/baker/english320/Maugham-AS.htm>.

<sup>27</sup> See Hugh Lloyd-Jones’s argument in *The Justice of Zeus*. Berkeley: University of California Press, 1971, 104–128.

<sup>28</sup> This is the view held by the Ancient Greece scholar Dodds who thought the undeserved sufferings of Oedipus confirmed Sophocles’ lack of belief the justice of the gods. See Lloyd-Jones, *The Justice of Zeus*, 108.

certain lawful order, as in the case of Antigone; yet, the spellbound will, as we saw in the case of Oedipus, of Laius, of the Elector of Brandenburg, signifies the mythical presence of a mysterious, arbitrary, brutal force beyond the individual will.<sup>29</sup>

But is the person of Kohlhaas not himself caught in a similar structure of the spellbound will from the very first page of *Michael Kohlhaas*? The famous opening paragraph of the novella, which introduces him as an exemplary, God-fearing, diligent, honest, righteous, thus virtuous married citizen or burgher in his thirties with well-bred children, anchors the cause of his upcoming troubles and notoriety in Kohlhaas's character. The paragraph concludes in this way, "The world, in short, would have had every reason to bless his memory, if he had not carried one virtue to excess. But his sense of justice [feeling of right or *Rechtsgefühl*] turned him into a brigand and a murderer" (MK: 87).<sup>30</sup> It is because of this excess in virtue that Kohlhaas becomes one of the "most upright [righteous] and at the same time one of the most terrifying men of his day" ("einer der rechtschaffensten zugleich und entsetzlichsten Menschen seiner Zeit"), two conflicting qualities that make him an "extraordinary man" ("außerordentliche[r] Mann.") The picturesque, idyllic world of the village of Kohlhaasenbrück as described in the

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<sup>29</sup> With a thesis that has bearing on the logic of the spellbound will in *Michael Kohlhaas*, Jean-Pierre Vernant in *Myth and Tragedy in Ancient Greece* (with Pierre Vidal-Naquet, trans. Janet Lloyd, NY: Zone Books, 1990) argues that what sociologically constitutes the form of Greek tragedy is the consciousness of a conflict between two elements in the Greek city state: legality and heroic, mythical tradition: "The tragic turning point thus occurs when a gap develops at the heart of the social experience. It is wide enough for the oppositions between legal and political thought on the one hand and the mythical and heroic traditions on the other to stand out quite clearly. Yet it is narrow enough for the conflict in values still to be a painful one and for the clash to continue to take place" (27). Corresponding to these two elements are the two aspects of the tragic action according to Vernant, *ethos* and *daimon*, or heroic character, temperament on the one hand and on the other the presence of a religious power: "Each action appears to be in keeping with the logic of a particular character or *ethos* even at the very moment when it is revealed to be the manifestation of a power from the beyond, or a *daimon*" (37).

<sup>30</sup> The entire paragraph in the original runs thus: "An den Ufern der Havel lebte, um die Mitte des sechzehnten Jahrhunderts, ein Roßhändler, Namens *Michael Kohlhaas*, Sohn eines Schulmeisters, einer der rechtschaffensten zugleich und entsetzlichsten Menschen seiner Zeit. Dieser außerordentliche Mann würde, bis in sein dreißigstes Jahr für das Muster eines guten Staatsbürgers haben gelten können. Er besaß in einem Dorfe, das noch von ihm den Namen führt, einen Meierhof, auf welchem er sich durch Gewerbe ruhig ernährte; die Kinder, die ihm sein Weib schenkte, erzog er, in der Furcht Gottes, zur Arbeitsamkeit und Treue; nicht Einer war unter seinen Nachbarn, der sich nicht seiner Wohltätigkeit, oder seiner Gerechtigkeit erfreut hätte; kurz, die Welt würde sein Andenken haben segnen müssen, wenn er in einer Tugend nicht ausgeschweift hätte. Das Rechtgefühl aber machte ihn zum Räuber und Mörder" (9).

opening paragraph, an ethical world in need of righteousness and virtue to sustain itself,<sup>31</sup> did not benefit from Kohlhaas's virtue. On the contrary, through being excessively upright or righteous, by obsessively stressing his sense of right (*Rechtsgefühl*), Kohlhaas bought himself both infamy and death at the same time that he brought about the collapse of the ethical world itself.

Regarding the significance of the gypsy episode, Földényi writes that it is “a keyhole in the text to which is precisely that key missing that could open the lock and solve the riddle.”<sup>32</sup> However, with this Földényi leaves the elliptic structure of the novella unresolved, in the sense that he does not reconcile its two centers. *Michael Kohlhaas's* formal structure remains for him a testimony to, as he quotes, “die gebrechliche Einrichtung der Welt” (“the fragile arrangement of the world”). In the same vein, “the ‘world’ altogether as erected in *Kohlhaas* through ‘text’ can no longer appear as a meaningful whole conceived of teleologically, but as a tangle of contingencies, non-transparencies, and paradoxes.”<sup>33</sup> Such a reading proves problematic for it does not give any account of the relation between the contingency and necessity, or accident and the *Sachlichkeit*, in the construction of the story as a literary work. The necessity derived from the logic of Kohlhaas's legal case, manifested in the first two parts of the story, must be reconciled in some way with the “tangle of contingencies” of the third

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<sup>31</sup> The recurrent word in *Michael Kohlhaas*, *Rechtschaffen* (upright or righteous), characterizes the mode of the individual character in the pre-modern, pre-bourgeois world of ethical life or *Sittlichkeit*, according to Hegel. Being virtuous and upright mediates the relation between the individuals and the community by fulfilling the duties that are self-evident and universally known among the members of the community. In this world, there is no gap yet between private rights and general virtues of interpersonal relations such as honesty, compassion, helpfulness, trustfulness. Hegel defines the relation between the ethical, virtue, and uprightness in this way, “Das Sittliche, insofern es sich an dem individuellen durch die Natur bestimmten Charakter als solchem reflektiert, ist die *Tugend*, die, insofern sie nichts zeigt als die einfache Angemessenheit des Individuums an die Pflichten der Verhältnisse, denen es angehört, *Rechtschaffenheit* ist” “The ethical, in so far as it is reflected in the naturally determined character of the individual as such, is *virtue*, and in so far as virtue represents nothing more than the simple adequacy of the individual to the duties of the circumstances to which it belongs, it is *rectitude*” (PR: § 150, 193).

<sup>32</sup> Földényi, *Heinrich von Kleist*, 530.

<sup>33</sup> Alex Schmitt, “Kommentar” to *Michael Kohlhaas* (Frankfurt a. M.: Suhrkamp, 2013), 179.

part of the novella.<sup>34</sup> If there is a keyhole in the novella, as Földényi maintains, then what if the key is in fact to be found in the novella itself, in, as I will propose, the roebuck motive? The answer is nowhere to be found but in the formal structure of the work. In the following section, I read the roebuck scene as a structure that encircles the novella itself. The last part of the novella is Kleist's reaction to the circle of spell in which *Michael Kohlhaas* would have been caught were it merely a legal case history.

#### § 4 MICHAEL KOHLHAAS'S SOLUTION: THE WITTENBERG ARGUMENT

In this section, which bears the main burden of this chapter's argument, I will take two correlative steps. First I unpack the function of the minor prophecy relative to the novella and its antinomy. Then I turn to the Luther scene and read it as a crucial device both for understanding the function of the roebuck motive and for unpacking the novella's resolution to the antinomy.

Through the Jüterbog incident in the last part of *Michael Kohlhaas*, a counterpart to the *Sachlichkeit* of the first part of the work appears. Through the Jüterbog incident, Kohlhaas invokes an agency that he had lost in the second part of the story, where the main actors controlling the matters of Kohlhaas's *Sache* were the authorities of Saxony and Brandenburg. At this point, Kohlhaas finally becomes a self-determining subject.<sup>35</sup> At this point, Kohlhaas

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<sup>34</sup> Various attempts have been made in the literature on *Michael Kohlhaas* to grant a function to the gypsy woman figure, reconciling her with the rest of the work. Hamacher notes that since these attempts tend to rely on more or less contingent choices of supporting legal, moral, and philosophical theories, the results become no more unifiable than the theories themselves are. *Michael Kohlhaas*, 257. For some interpretive suggestions, see Timothy J. Mehigan, "Michael Kohlhaas: Death and the Contract," in *Heinrich von Kleist: Writing after Kant* (Camden House, 2011), 166; Klaus Müller-Salget, *Heinrich von Kleist* (Stuttgart: Reclam, 2002), 206; Jochen Schmidt, *Heinrich von Kleist. Studien zu seiner Poetischen Verfahrensweise* (Berlin: Walter de Gruyter, 1974), 188, 190; David, Giuriato, "'Wolf der Wüste.' *Michael Kohlhaas* und die Rettung des Lebens," *Ausnahmezustand der Literatur. Neue Lektüren zu Heinrich von Kleist*, ed. Nicolas Pethes (Göttingen: Wallstein, 2011. 293); Peter Horn, *Heinrich von Kleists Erzählungen: Eine Einführung* (Königstein: Scriptor, 1978), 71–72.

<sup>35</sup> See Müller-Salget, "Kommentar," 721.



wills again. He decides not to give the gypsy's piece of paper to the Elector and it is this act of defiance that likely grants him his freedom. The agency of Kohlhaas in this third part of the novella starkly runs counter to the failed agency of the first part, one that through violence ended up in the labyrinth of court politics. The difference between the two parts of the novella indicates two modes of the relationship between the character and fate, or between the will and the context in which the will is realized, or between the act and its consequences. But what are the consequences of the third part for the novella itself, in terms of the fate of the autonomous artwork itself? In this third part, the main issue, if not the main outcome, is not related to the horses. The novella ceases to be governed by a legal case history. Following its initial *sachlich* determination, the novella now starts to self-determine itself. This development in the novel is due to the incorporation of the Jüterbog incident and the figure of the gypsy woman.

Let us review the core act in the roebuck scene. If, faced with the gypsy's prophecy about the roebuck, the sovereign does not kill the animal, it will seem like he believes in the gypsy's prognostication. This would undermine his initial rational claim, namely his disbelief in the business of fortune telling. However, by killing the animal to affirm his rational principles, he ends up entangled in the very context of spell cast by the gypsy from which he sought to distance himself. A similar predicament besets *Michael Kohlhaas* with its double determination: through its legal subject matter, Kohlhaas's *Sache*, contrasted with its own fantastic self-determination or anti-*Sache*: the prophetic final part. To use the roebuck scene as an analogy, in reacting to its predicament, the novella takes a path radically different from the Elector's: instead of killing the roebuck, that is, instead of carrying out the pursuit of its protagonist's *Sache* to its end by fully satisfying the juridical order of things, the novella introduces another center, the Jüterbog prophecy, to diverge from the *Sachlichkeit* of the fields of legality,

philosophy, historiography.<sup>36</sup>

If the novella stops being *sachlich*, that is, if it stops objectively following its matter at hand, then it ceases to be autonomous as an artwork, as it would not be able to follow its own lawfulness. The source of lawfulness in the novella is the lawsuit regarding the two horses, and it is this case that dictates a certain ‘law’ to the movement of the novella. On the other hand, if the novella remains strictly *sachlich* throughout, that is, following only the movement of its legal case, it will lose its status as literary work for it would end up being a mere fact, either as a legal document, a juridical treatise, or as a chronicle report.<sup>37</sup>

It will be helpful to spell out the claim here through Adorno’s formulation from the *Aesthetic Theory* on the early twentieth-century movement of the New Objectivity already discussed in chapter one. He writes, “Totally objectified [*versachlicht*], by virtue of its rigorous legality, the artwork becomes a mere fact [*Faktum*] and is annulled as art. The alternative that opens up in this crisis is: Either to leave art behind or to transform its very concept” (AT: 61/ ÄT: 98).

By a “totally objectified” artwork Adorno means one whose relations among the elements are so fully developed that there is no room for anything indeterminate in the work. This work is fully *versachlicht* inasmuch as all its elements are organized according to, and subsumed under, a central concept as the source that determines the place of each element for the sake of purposiveness. I noted above how the *Sachlichkeit* works in Kleist’s prose style in *Michael Kohlhaas*. In this case, the *Sache* is the notion of right attached to the pair of two horses as

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<sup>36</sup> Dirk Grathoff makes a similar point with regard to the legal theories discussed by the participants. His helpful point on the novella runs: “Kleist does not simply offer a position similar to Garve’s [or any other moral or legal philosophers of his time], but makes his own contribution, even though no philosophy, to a philosophical context of discussion. Why did he change the field? Initially, he wanted to write a popular philosophy. What remains to find out is why Kleist is in a position to offer his contribution [to the question of right and morality] in the field of the aesthetic.” *Kleist-Jahrbuch* 1988/1989, 434.

<sup>37</sup> For a summary of main trends in legal, philosophical, historical, and literary readings of the novella, see Bernd Hamacher, “Schrift, Recht und Moral. Kontroversen um Kleists Erzählen anhand der neueren Forschung zu ‘Michael Kohlhaas,’” in *Heinrich von Kleist. Neue Wege der Forschung*, ed. Anton Knittel and Inka Kording (Darmstadt: Wissenschaftliche Buchgesellschaft, 2003).

property, and the wrong done unto this property. When Adorno states that such a work becomes a fact, he must refer to the work becoming a case of existing social context of purposes and functions in which it gets caught. Elsewhere, Adorno speaks of *Zweckformen* (functional or purposive forms) to refer to totally objectified works whose *sachlich* quality serves particular purposes imposed on them from outside.<sup>38</sup> Thus, a computer is a functional form, so too is a house in that its elements are all held together in such a way as to serve the purpose of sheltering people. This contradicts the purposelessness of the artwork (cf. ÄT: 323). Introducing the gypsy figure into *Michael Kohlhaas* liberates the novella from its functionality as a text, the elements of which are subsumable under legal norms. Were the novella a pure case of *Sachlichkeit*, following only and to the end the “pure legality” inherent in the process of a *Rechtssache* (MK: 102/23), it would have ceased to be literary. I consider this claim more closely.

In juridical or forensic narrative, what is at issue, namely the conflict that is brought to the judge, must be stated as it happened, that is, account must be given of what was done, how it was done, why it was done, and whether it was legal or illegal. The last question purports to subsume the precisely established deed under a notion of right or wrong that already exists in a well-defined manner. If, however, a literary work can be subsumed under a preexisting universal rule, concept, or norm, as the principle of organizing its parts and rendering meaningful the result, it ceases to enjoy an aesthetic quality as a work of literature. The work is aesthetic or poetic inasmuch as it freely determines itself in freedom from the things narrated and their lawfulness. While the poetic narrative must also follow its case at issue, it has no external point of reference, no well-defined norms, under which to subsume its rigorously laid down case. It has only itself to appeal to. And because there is no such ultimate determining

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<sup>38</sup> See esp. ÄT: 55, 73, 76, 92, 210, 272.

point of reference, the law according to which the literary work organizes its elements must be one invented by the work itself. It is for this reason that the literary “act belongs to the family of reflective judgments.”<sup>39</sup>

The act of reflecting in the narrative on the things narrated can make the system or institution of literature into its own object. The literary narrative can and must be cautious, if it is to be autonomous and avoid following the inherited, accustomed rules and practices of self-organization, relying instead on its own ever-new initiatives to define what literature is. This is how I suggest we should read the last part of Adorno’s formulation of the predicament of the *Sachlichkeit*: “The alternative that opens up in this crisis is: Either to leave art behind or to transform its very concept.” The work can forget all about being an artwork and can choose to deliberately serve only functions beyond the sphere of art. *Michael Kohlhaas* could have been intended to be a purely pedagogical, reformist, didactic text for school children, for the Prussian statesmen in the post-imperial period after 1806, or for judges and legal scholars.<sup>40</sup> The other option would be to change the very concept of art so that non-art is rendered a

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<sup>39</sup> Paul Ricoeur, *Time and Narrative*, vol. 2, trans. Kathleen McLaughlin and David Pellauer (Chicago: University of Chicago Press, 1984), 61. The singular property of poetic narrative, notes Ricoeur, is its inner distinction between the utterance [*énonciation*] and the statement [*énoncé*], or between the saying and what is being said, the narrative and its production: “For this reason, the narrative ‘grasping together’ carries with it capacity for distancing itself from its own production and in this way dividing itself in two.” This distancing is possible only if the utterance or poetic narrative is capable of configuring itself according to a rule not imposed by the statement. Ricoeur’s partial goal is to investigate in terms of temporality the “several versions of this interplay” between the narrative and the things narrated.

A similar point can be made with regard to the aesthetic appearance or act. An appearance which we call aesthetic is not perceived to be bound by anything other than itself, neither interests or purposes, be they moral or prudent, nor inclinations or desires, no matter how pleasant they are. In Schiller’s definition of beauty, as the object of the aesthetic, self-determination of the thing is the great idea ‘große Idee’ which we should bear in mind. For him, “Freedom in the appearance is therefore nothing other than the self-determination in a thing in so far as it reveals itself in intuition.” *Theoretische Werke* ed. Rolf-Peter Janz (Frankfurt a. M.: Suhrkamp, 2008), 288. This means, a thing appears to us aesthetically, as beautiful, only when we intuit it as something that has no other ground, no other cause, than itself. The account that we set about giving of such a thing, therefore, cannot rely on anything that is not always already related to the thing itself, emerging from inside of it. Therefore, for Schiller, “beautiful, one could say, is a form that does not demand *any explanation* [*keine Erklärung*]” (290).

<sup>40</sup> Studies have been devoted to Kleist’s reformist aspirations in Prussia, e.g., Christiane Schreiber Christiane, *Was Sind dies für Zeiten! Heinrich von Kleist und die Preussischen Reformen* (Frankfurt a. M.: Peter Lang, 1991). See esp. 172–177 on *Michael Kohlhaas* and the military techniques of resistance.

purely objectified product. This situates us at the heart of the matter in interpreting our novella. Is *Michael Kohlhaas* proposing its own concept of art in order to be *sachlich* but *not* non-art, or is it trying to be an autonomous literary work but *not* within the confines of the existing system of art or the inherited concepts of art?<sup>41</sup>

*Michael Kohlhaas* indeed drops its central subject matter, or deviates from it, and takes up a new one, the prophecies of the gypsy woman, which, as Tieck reminds us, does not solve the problem entirely; rather, it produces another. By appealing to an anti-*sachlich* quality, the novella stops being a case of legality; instead it begins being a literary work proper, and thus within the field or context of literature. Revolting against all other spheres or fields of practice only to claim one's belonging to the allegedly autonomous field of literature does not put an end to the problem, because literature is itself yet another social field or a social system, as discussed in the first chapter of this dissertation. Now if the novella is to become an autonomous work, it must find a way to reconcile its *sachlich*, legal center with its poetic, "imaginary," anti-*sachlich* center in a manner that is *equally* lawful or *sachlich*. It must think up a higher notion of autonomy than is found in the mere positive legality of a lawsuit. In short, the novella has to be both *sachlich* and anti-*sachlich*. An antinomy thus arises in *Michael Kohlhaas*, which we can formulate in this way:

THESIS: It is *sachlich* because it strictly follows its central *Sache*, the lawsuit by which it has its lawfulness fully dictated to it. Since the lawfulness of a legal case differs from

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<sup>41</sup> Greiner makes an important case for the idea that the novella is not just concerned with legality and right. Apart from the particulars of his argument, what is important in his reading is his insistence on the immanent, formally constructed attempt of the novella to be autonomous in the sphere of art. Greiner argues, "The story [of *Michael Kohlhaas*] clearly is not a juridical treatise about the tension between the universality of law and the facticity, or on the right to resistance. or on the question of the manifestation of the idea of 'right' in the concrete act of legislation. Rather, a story is offered that answers the fundamental question of the 'Kunstperiode [art period: from the late eighteenth century to the death of Goethe in 1832] based on the possibility of bridging between the empirical reality and idea in the medium of art through the reversal of the Kantian achievement of the symbolization of the beautiful.'" *Kleists Dramen und Erzählungen*, 340.

that of literature, the work ceases to be autonomous as a work of literature and becomes a case of the social practice of law.

ANTITHESIS: It is anti-*sachlich* because it stops strictly following its central *Sache* by introducing a fantastic center. It becomes a work of literature, but, since it fails to justify itself in inclusion of its fantastic center, it has its lawfulness dictated to it by the habits of the existing world of literature. The work thus ceases to be autonomous.

The real trial of the novella is to reach the delicate balance between a wholly lawfully determined work as encouraged by its subject matter, the lawsuit, and a subjectively organized body of elements in which the relation between the lawsuit and the prophecy remains indeterminate. Sketched abstractly, the novella has an antinomian constitution as follows: it is determined in a *sachlich* way, yet this *Sachlichkeit* puts it at risk of losing its determination as an autonomous literary work. It negates this *sachliche* determination through self-determining itself as a product of phantasy. By negating the *sachlich* determination, however, the novella runs the risk of losing its autonomous status for it would lose its source of immanent lawfulness, its *Sachlichkeit*. To resolve this antinomy, it needs to retain a form of lawfulness that is neither *sachlich* nor customarily literary. In my view, it is the Luther episode, in tandem with the structure of the roebuck prophecy, that can offer a means with which to begin to answer the question: How does the novella self-determine itself?

The middle focus of the novella serving as its turning point provides the framework for the novella to cultivate its two centers in relation to one another, holding them together. In other words, it functions as a bridge to elevate the novella from one order of discourse to the other, mediating the settlement between the conflicting juridical and prophetic and real and fantastic orders of the story. Luther is the only historical figure in the story who appears under his real name and title. His letter to Kohlhaas in the story relies on the historical Luther's letter

to the historical Hans Kohlhaase, as does the very fact of the encounter.<sup>42</sup> Their conversation contains the most comprehensive attempt on the part of Kohlhaas to justify his act, as well as the fullest form of objection on the part of his enraged interlocutor. The severe difficulty that plagues the interpretations of the Luther scene pertains to the poetic relevance relation of the historical figure.<sup>43</sup> But how does this historical figure enter the novella with its tentative claim to autonomy? To answer, and to grasp the place of the Luther scene in the novella I limit myself to three points.

First, what Kohlhaas demands of Luther is, “refut[e] your opinion of me that I am an unjust man” (translation modified; 125: 52). His plea for reconciliation with the figure of Luther consists of a double request with both theoretical and practical sides, or rather, in more relevant terms, with theological and political aspects. Theologically, Kohlhaas demands that Luther not regard him as unjust and damned, which follows from his argumentation with Luther to “refute his opinion” and his desire to receive the Holy Sacrament through confession. Politically, he wants safe conduct so that he can reach Dresden and lay his case before the sovereign. Though the latter demand is satisfied, he is denied his former request. At the end of the scene, Kohlhaas asks, “And so, your Reverence, I cannot have the comfort of the reconciliation I asked you for?” to which Luther retorts in unequivocal terms, “With your Savior, no; with the sovereign—that depends on the effort I promised to make for you” (MK: 128).<sup>44</sup> The reason why the religious reconciliation failed in this scene is Kohlhaas’s persistence in his *Sache*. He refuses to accept Luther’s call, based on the biblical command, to

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<sup>42</sup> Cf. Hammacher, Henrich von Kleist: Michael Kohlhaas, 72–74.

<sup>43</sup> For further discussion of this difficulty, see Osthöven’s illuminating essay, “‘Die Kraft beschwichtigender Worte.’ Luther, Kohlhaas und Kleist,” in *Risiko, Experiment, Selbstentwurf: Kleists Radikale Poetik*, ed. Hans Richard Brittnacher and Irmela von der Lühe (Göttingen: Wallstein, 2013), esp. 113.

<sup>44</sup> This conforms to the historical Luther’s notion of two kingdoms and their separate orders of lawfulness. Martin Luther, “The Secular Authority: To What Extent It Should Be Obeyed,” in *Martin Luther: Selections from His Writings*, ed. John Dillenberger (New York: Anchor Books, 1962). See esp. 371–372.

forgive the Junker, go back to Tronkenburg, and fatten his pair of horses by himself. He argues in the same theological register that “even the lord did not forgive all his enemies” (MK: 128/56).

Second, the issue of authority, with which Kohlhaas yearns to reconcile, his autonomous pursuit of his right notwithstanding, also presents itself in the context of his debate with Luther. This issue of authority is implied as a theme in their conversation. Kohlhaas’s argument for why he does not want to drop his matter is straightforward. Earlier in the story he says to his wife, “Because, dearest Lisbeth, I will not go on living in a country where they won’t protect me in my rights. I’d rather be a dog, if people are going to kick me, than a man [human being]” (MK: 107/31). If he is supposed to run his trade, he goes on, he needs to enjoy his rights, and to enjoy rights he needs to have the freedom to demand them (MK: 107/32). Rights here signify the space of individual freedom to pursue one’s own way of living as a human being. This argument is incomplete, however, as it does not add anything to the question of how that protection works. Kohlhaas takes the next step necessary to complete his argument, and thereby grant coherence and force to his *Sache*, in his conversation with Luther. When asked why he had recourse to use his sword on the Junker and others “on the authority of your own decree” (“in Verfolg eigenmächtiger Rechtsschlüsse,” or more literally, “following your self-empowered deduction of rights”; MK: 111/35), he replies, “The war I am waging against the community of human beings [*Gemeinheit der Menschen*] is a misdeed only as long as I have not been cast out of it, as you now assure me I have not been” (translations modified; MK: 125/53). Luther’s prompt and infuriated answer followed by Kohlhaas’s riposte runs thus:

Cast out? . . . How could anyone cast you out of the community of the state in which you live? Where, indeed, as long as states have existed has there ever been a case of anybody, no matter who, being cast out of society?—“I call that man an outcast,”



Kohlhaas said, clenching his fist, “who is denied the protection of the laws! For I need this protection if my peaceful calling is to prosper . . . , and whoever denies me it thrusts me out among the beasts of the wilderness. (ibid.)

Luther and Kohlhaas employ two different expressions to speak of the same notion—namely, society: *die Gemeinheit der Menschen* (the community of human beings) and *die Gemeinschaft des Staates* (the community of the state). They do not correct each other, nor do they engage in any semantic dispute over the two sets of terms. Even so, it is important to stress the terminological and no less political divergence in their discourses.<sup>45</sup> For Luther all human beings are always already within the community that is structured by the state in such a manner that being outcast from society has no meaning to him. Authority continuously claims its validity. For Kohlhaas, once the lawful protection of the rights, and thereby freedom, of human beings disappears, he or she will return to the sphere of animal necessity where crime has no meaning because there is no freedom to act in a rightful or wrongful manner. Kohlhaas here seems to be reminding the poetic Luther of the historical Luther’s own views, namely, that without laws we “would loose the bands and chains of the wild and savage beasts.”<sup>46</sup> In both views, the key point falls on the constitutive power of the authorial framework that goes beyond the individual claim to autonomy. According to Ostthöven, in Kleist’s novella, the figure of Luther “is depicted as an in itself clear figure, without any explicit or implicate

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<sup>45</sup> The 1794 laws of the Prussian states makes explicit the relation between the validity of rights and the protection by the law: “Rechte, welche durch die Gesetze nicht unterschützt werden, heissen unvollkommen, und begründen keine gerichtliche Klage oder Einrede” (“Rights which are not upheld by laws are called incomplete and ground no judicial complaint or petition”) (*Allgemeines Landrecht für die Preussischer Staaten von 1794*, §86). In a useful note on the relation between right and the juridical system of laws, Bogdal maintains, “In the natural-rights ideas of the eighteenth century, having ‘right’ does not belong to the natural rights, but rather is the nature of human being thought within the juristic ideology. The human being becomes subject only as the subject of right” (“Mit einem Blick” 37). Also, Kohlhaas’s shifting emphasis from rights and freedom, in the Lisbeth scene, to laws and society, in the Luther scene, indicates a shift from civil process to penal process: “In civil process it is always about *my* right, in penal process about *the* law.” Clemens Lugowski, *Wirklichkeit und Dichtung* (Frankfurt a. M.: Moritz Diesterweg, 1936), 193.

<sup>46</sup> Luther, “The Secular Authority,” 370.

criticism, the only figure in the text, next to Lisbeth, which stands for an unfalsified rectitude and for a piety directed towards everyday life.”<sup>47</sup> In other words, Luther emerges as a positive figure confirming the force of authority in the novella.

Luther does not endow Kohlhaas with the full assurance or reconciliation he sought, but only a safe pass through Dresden. Just as in the first part, when blocking the legal path by the judicial intervention led to Kohlhaas’s insurrection, here also blocking the extralegal, violent path in the wake of Luther’s intervention paves the way for the narration of the Jüterbog incident. This is how the Luther scene facilitates the novella’s progression. It is remarkable how the authorial mediation turns Kohlhaas into a passive subject during the second part of the novella. It is only with the rise of the gypsy woman and the whole Jüterbog incident that Kohlhaas once again becomes an active subject.

Third, what does the Luther scene do for *Michael Kohlhaas*? It liberates the novella from its entanglement, both in Kohlhaas’s purely legal engagement and in terms of the extralegal revolt. In this way, the novella creates for itself a path for generating its other, fantastic center in order both to solve Kohlhaas’s case and to claim its own autonomy. Of course, as noted before, opening up the fantastic, imaginary, literary space runs the risk of subjecting the work to the rules — or rather the authority — of the world of literature. Here I resort to the device of analogy to account for the relevance of the Luther scene for the last point. Through the historical figure of Martin Luther and by showing the necessity of the concept of theological and political authority, the novella, according to my interpretation, alludes to its own real conditions as a work of literature that wants its own lawfulness. By virtue of this scene, the problem of Michael Kohlhaas’s autonomy becomes the problem of *Michael Kohlhaas*’s autonomy: a reckoning with the historical forces of authority that coerce the individual as soon

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<sup>47</sup> Osthöener, “Die Kraft beschwichtigender Worte,” 129.

as it asserts itself as autonomous.

In *Michael Kohlhaas* we witness the work's transition from a case *of* other social fields, namely legality or historiography, to a case of the field of literature, or simply, the work *of* literature. Through poeticizing its *sachlich* quality, the novella leaves heteronomous fields to which it initially belonged, but falls into the field of literature.<sup>48</sup> It is thanks to its belonging to this field that the novella possesses any chance of granting itself its own lawfulness, and it nonetheless must concretely enact this lawfulness in its configuration of elements. This operation, however, involves running two major risks. Out of fear of losing its own lawfulness, the novella might abandon the heteronomous social fields to the extent that it will become a case of art for art's sake by organizing its elements according to a purely formal, even mathematical, principle. On the other hand, again out of a similar fear, the work might resort to the ready-made, inherited, fashionable devices of the literary world to claim its membership in that world. In this sense, one might argue that *Michael Kohlhaas* introduces the gypsy woman episode as a means of imitating the Romantic demands of his times. To avoid these two risks and to become an autonomous literary work in relation to the real sociohistorical practices, fields, and discourses, *Michael Kohlhaas* must revolt at two levels. It thus performs two negations.

First, it negates the content of its own *Sache*, the matter of right, by showing that justice cannot be achieved through formal right. There seems to be an agreement among commentators of various stripes that the gypsy figure appears because, as Hotho, Hegel's disciple, put it, "the universality and objectivity [*Sachlichkeit*] of the formal right" cannot gratify the grievances done to Kohlhaas's self-absorbed, retreated subjectivity (37–38).<sup>49</sup> Second, the

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<sup>48</sup> On the peculiarity of the social system of art in contrast to other systems such as religion, law, science, see e.g. Niklas Luhmann, *Art as a Social System*, trans. Eva M. Knodt (Stanford: Stanford University Press, 2000). See esp. 306.

<sup>49</sup> Cf. Müller-Salget, *Heinrich von Kleist*, 207, 208.

novella has to negate the contingent, arbitrary, or forced inclusion of its fantastic part and show that such an inclusion grew out of an inner necessity. It is this second way of negating that would help the work self-determine itself. Yet, the novella cannot fully carry through with any of these negations, because it is both bound to its subject matter as its organizing idea and to its status as a work of literature. Each of the thetic and antithetical determinations of the novella confronts it with a problem: while both are equally necessary for it to be a literary work, at the same time that they come into conflict with one another. To change the concept of art itself, as Adorno suggests the *sachlich* work could do in order to solve its crisis, *Michael Kohlhaas* would have to change the way an artwork is recognized as an artwork. It has no other means to do so but its own way of configuring the immanent elements, which would have it entangled in the same vicious circle mentioned above. As a whole, *Michael Kohlhaas* proves its autonomy at the same time that—again as a whole—it points to its entanglement in society as the context of functions and purposes. This is the persistent antinomy of the autonomous *Michael Kohlhaas*. Even so, as I showed above, the novella shows full awareness of its own antinomy by the mediation of the gypsy woman's minor prophecy. The structure of the roebuck prophecy suggests that the will that self-determines is forced to be ensnared in the broad context of the realization of the will. The roebuck prophecy mirrors the act of the novella as such. At the level of the novella as a whole, *Michael Kohlhaas* performs this structure of the spellbound will.

So far as Michael Kohlhaas the protagonist is concerned, a form of reconciliation takes place in the last paragraphs of the story after all, even though it costs him his life. In Berlin, in front of the Elector of Brandenburg, a double retribution (*Genugtuung*) occurs and the two sides of the conflict receive their just dues: Kohlhaas receives his horses, apparently in hale and hearty condition, and the two states injured by Kohlhaas's violence, as well as the Empire

itself, receive the dead body of Kohlhaas.<sup>50</sup> Kohlhaas is given Holy Communion by a Lutheran priest; the Junker is sentenced to two years' imprisonment (MK: 181/120); the Elector of Saxony never puts his hands on the piece of paper that Kohlhaas devours right before his death (MK: 182/121); and Kohlhaas's children are blessed by the Elector who promises them a future at his court. It would be wrong, however, if we interpret this as *Michael Kohlhaas's* resolution. As a literary work, the novella cannot preach the unity of the citizen and the enlightened sovereign before it has first preached the unity of its own conflicting forces.

The novella's solution to its antinomian constitution does not fully reconcile its conflicting determining forces, the juridical and the prophetic, but it manages to arbitrate or settle them.<sup>51</sup> As Adorno puts it in his lectures on aesthetics, the criterion for "important works of art" is the extent to which a work can "receive and absorb in itself the contradictions of its own real and formal conditions, to endure [*austragen*] the contradictoriness, and, by perhaps arbitrating [*schlichten*] it in its image, refer both to its own irreconcilability in the reality and finally its potentiality for reconciliation [*versöhnen*]" (Ä58: 165).<sup>52</sup> In *Michael Kohlhaas*, the real condition of being a work of literature is nothing but being recognizable as a work belonging to the world of literature. In conflict with this condition comes the formal condition of self-determining itself as a literary work that claims its own lawfulness in the face of the external pressure. No matter how hard it tries, the work of literature cannot stop being one by passing

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<sup>50</sup> In the Elector's address to him: "Kohlhaas the horse dealer, now that satisfaction has been given you in this wise, you on your side prepare to satisfy His Majesty the Emperor, whose attorney stands right here, for breach of the public peace!" (MK: 182/121).

<sup>51</sup> Müller-Salget complains in a programmatic essay on the Kleist scholarship that while referring to "the equivocal, the paradoxical, contradiction [which] permeates Kleist's works, is quite common in the scholarship, attempts have nonetheless been made to supersede this polysemy [*Mehrdeutigkeit*], harmonizing the contradictions and 'redeeming' the unequivocal." Klaus Müller-Salget, "Das Prinzip der Doppeldeutigkeit in Kleists Erzählungen," in *Kleist's Aktualität: Neue Aufsätze und Essays 1966–1978*, ed. Walter Müller-Seidel (Darmstadt: Wissenschaftliche Buchgesellschaft, 1981), 74.

<sup>52</sup> This distinction between *versöhnen* and *schlichten* in the 1958/59 lectures on aesthetics, so far as I could tell, ceases to hold in the late 1960s *Aesthetic Theory* in which, however, Adorno still believes that the artwork is capable of enduring its own conflicts between its form and its real conditions of genesis, as I argued in chapter one.

itself off as something more than it. I conclude this chapter with a note on the meaning of the novella's reaction to its problem from an Adornian perspective.

"Kleist" appears only once in Adorno's *Ästhetische Theorie*, in a passage from the section on "society" ("Gesellschaft"), as a noun made out of the adjective form of his name: *das Kleistische* ("the Kleistian quality"—Hellut-Kentor's translation). Kleist's name is brought up within a discussion of the literary form and society in the works of Kafka, "The thesis that form is the locus of social content [*Gehalt*] can be concretely shown in Kafka's language. Its objectivity [*Sachlichkeit*], its Kleistian quality has often been remarked upon . . ." (AT: 230/ÄT: 343).<sup>53</sup> Adorno does not develop his notion of the Kleistian quality of *Sachlichkeit* any further than pointing to the objective, matter-of-factual presentation ("so sober a presentation"). Rather, he claims that while it is a defining feature of his language, something becomes obvious in Kafka that was not yet the case in Kleist himself. So, his thesis on the form is a historical thesis on the fate of the Kleistian *Sachlichkeit* or factualness, whatever it meant to Adorno, over the course of a century. He goes on, "His [Kafka's] language is the instrument of that configuration of positivism and myth that has *only now* become obvious socially."<sup>54</sup>

If we treat positivism as synonymous here with an objective or *sachlich* language that, beyond the meddling of feelings and interests, only follows what is the case or the matter (*Sache*), as in the language of natural sciences or jurisprudence, what remains vague in Adorno's statement is the concept of myth and, as he goes on to indicate, "social spell": "The linguistic

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<sup>53</sup> "Daß Form der Ort des gesellschaftlichen Gehaltes sei, ist bei Kafka zu konkretisieren an der Sprache. Auf deren Sachlichkeit, das Kleistische ist häufig aufmerksam gemacht worden." Elsewhere, Adorno refers to the Kleistian quality of Kafka's prose as epic-objective prose ("episch-gegenständliche Prosa"). *Mahler: eine musikalische Physiognomie*. GS 13: 185.

<sup>54</sup> "Seine Sprache ist das Organon jener Konfiguration von Positivismus und Mythos, die gesellschaftlich jetzt erst ganz durchschaubar wird."

habitus of ‘the world is as it is’ is the medium through which the social spell [*gesellschaftliche Bann*] becomes [aesthetic] appearance.”<sup>55</sup> Further in the passage he refers to myth or spell as the presupposition and confirmation, in consciousness, of “the inevitability and immutableness of what exists — as the heritage of the ancient spell — the new form of the myth of the ever-same.”<sup>56</sup> The language recounting the factually impossible yet fatefully accepted condition of the spellbound Gregor Samsa in Kafka’s *Die Verwandlung* (*Metamorphosis*) offers an example.<sup>57</sup>

*Bann* or spell, according to the Grimm Brothers’ dictionary, is a circle or domain within which the master of the spell (*bannherr*), a judge, sovereign, exercises his or her power or judgment.<sup>58</sup> It constitutes a field of jurisdiction where the law has validity and all caught in it are subject to that law. As a recurrent term in Adorno’s work,<sup>59</sup> if spell is a kind of closure,

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<sup>55</sup> “Der sprachliche Habitus des So-und-nicht-anders-Seins ist das Medium, kraft dessen der gesellschaftliche Bann Erscheinung wird.”

<sup>56</sup> “die Unausweichlichkeit und Unabänderlichkeit des Seienden . . . als Erbe des alten Banns die neue Gestalt des Mythos des Immergleichen.”

<sup>57</sup> A case in point would be the opening lines of *Die Verwandlung*, where the matter at hand is a Gregor Samsa just turned into a huge vermin: “Er lag auf seinem panzerartig harten Rücken und sah, wenn er den Kopf ein wenig hob, seinen gewölbten, braunen, von bogenförmigen Versteifungen geteilten Bauch, auf dessen Höhe sich die Bettdecke, zum gänzlichen Niedergleiten bereit, kaum noch erhalten konnte. Seine vielen, im Vergleich zu seinem sonstigen Umfang kläglich dünnen Beine flimmerten ihm hilflos vor den Augen.” “Verwandlung,” in *Sämtliche Erzählungen*. Frankfurt a. M.: Fischer: 1953, 64. These words come only after the narrator makes it clear that Samsa had woken up from his uneasy dreams, so this cannot but be real world. The emphasis on the proportions in Samsa’s new body only stresses the sobriety of an observation that borders on positivistic language of modern biology.

<sup>58</sup> See *Deutsches Wörterbuch von Jacob und Wilhelm Grimm*, s.v. “Bann,” accessed September 4, 2018, <http://dwb.uni-trier.de/de/die-digitale-version/online-version/>.

<sup>59</sup> If we can refer to anything like Adorno’s vocabulary, then *Bannkreis* would be one of its key terms. In *Minima Moralia*, Adorno speaks of aesthetic circle of spell (“*ästhetische Bannkreis*”) (GS 4: 254), in “Auf die Frage: Was ist Deutsch,” he writes, “the idealist philosophy and works of art tolerate nothing that does not fall within the imperative circle of spell of their identity” (GS 10.2: 695). In “Standort des Erzählers im Zeitgenössischen Roman” he speaks of the circle of spell of form ‘Bannkreis der Form’ (GS 11: 44). “The circle of spell of culture industry” appears in “Über das gegenwärtige Verhältnis von Philosophie und Musik” (GS 18: 149). Also, in “Reflexionen zur Klassentheorie,” he refers to (“the circle of spell of system” (“Bannkreis des Systems”) (GS 8: 376), and in a review of Paul Valéry’s newly translated writings on aesthetics and art in German, “Valéry’s Abweichungen,” he refers to the “Bannkreis der Gesellschaft” (“the circle of spell of society”) (GS 11: 196). In *Dialektik der Aufklärung* the term refers to the sphere of the dominion of myth as well as the sphere of mere naturalness (GS 3: 43, 49, 87, 287), again in *Minima Moralia* it refers to the sphere of sinfulness with its mechanism of deed, guilt, punishment (GS 4: 17) as well as the circle of existence (283). In *Zur Metakritik der Erkenntnistheorie* the sphere of immanence is a circle of spell in which the subject is caught (GS 5: 32, 97; cf. also *Negative Dialektik*, GS 6: 174, 185, 240).

unfreedom, for those falling within it, as in the tale of the prince, enchanted into the shape of a frog awaiting his princess to break the spell, how can it then enjoy an aesthetic appearance, which by definition is free, that is, not tied up to senses or purposes and interests? A spell socially signifies a situation in which the social context with the individuals and relations within it exert a spellbinding, coercive effect. How is aesthetic appearance, as in an artwork, possible within the unfreedom caused by a spell? In the case of Kafka, and as regards Adorno's thesis, how can his work, caught in the circle of its subject matter, that is, the world as it is, acquire a literary character, becoming something more than a positivistic report of its case? For if it fails to do so, it ceases to be a work of literature.

According to Adorno, Kafka's solution for this problem—that is, seeking freedom through a technique — we call it *Sachlichkeit* — that seems to negate it, is the following: “Whereas his work must renounce any claim to transcending myth, it makes the social web of delusion knowable in myth through the *how*, through language” (AT: 231/ÄT: 343).<sup>60</sup> Myth or spell or the web of delusion — metaphorical terms Adorno uses to refer to the immediately unrepresentable social coercion — cannot be transcended because forms of expressions are already caught within it. Kafka's work is itself a part of the social field of literature. No vantage point can be assigned to any set of meanings, expressions, formulations. Yet, Adorno claims, Kafka's work asserts its freedom of aesthetic appearance by its peculiar way of using language. The claim, then, is that although Kafka's work cannot go beyond the spell or break it, it nevertheless can make it knowable, showing its own belonging to the spell as a form of myth. So, the above formulation points to a certain double character about Kafka's work: it is a part of the mythical context, yet it is capable of showing how the context works.

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<sup>60</sup> “Während sein Werk den Mythos zu transzendieren sich versagen muß, macht es in ihm den Verblendungszusammenhang der Gesellschaft kenntlich durch das Wie, die Sprache.”



If Kafka's linguistic form tells us the *how* of the coercion of the social spell, this form remains mute since there is no positive meaning to spell it out or signify it through a higher system of signification or through a meta-language, as it were: "Kafka wisely guards against naming it [the myth or social spell], as if otherwise the spell would be broken whose insurmountable omnipresence defines the arena of Kafka's work and which, as its a priori, cannot become thematic" (AT: 230).<sup>61</sup> The spell is not given the name of monopoly capitalism or totalitarian state of a prison or modern European society. The very fact of Kafka's work, as I understand Adorno's thesis, is to testify to the presence of the spell binding the genesis of his work. What Adorno says of Kafka's work's language and its Kleistian quality equally emerges in Kleist's novella in the nascent bourgeois society's context of fragmented spheres, though not yet in the language of the novella. By introducing the gypsy woman figure and the suspended roebuck scene in its last part, *Michael Kohlhaas* administers its own problem and, to use Adorno's language, shows the *how* of its status in its precise configuration of subject matter and mode of presentation.

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<sup>61</sup> "Ihn zu nennen hütet Kafka sich weislich, als würde sonst der Bann gebrochen, dessen unüberwindliche Allgegenwart den Raum des Kafkaschen Werks definiert und der, als sein Apriori, nicht thematisch werden kann."

# CHAPTER THREE

## THE PERSONAL ANTINOMY AND ITS RESOLUTION IN HEGEL'S PHILOSOPHY OF RIGHT

Chapter Overview:

- § 1 The Human Antinomy and Its Personal Resolution
- § 2 The Form of the Person: Infinite Self-Relation
- § 3 The Genesis of the Person: Hired Labor
- § 4 The Personal Antinomy and Its Political Resolution:

The destiny of individuals, declares Hegel when discussing the idea of the state deep into his *Philosophy of Right*, “is to lead a universal life” (PR: § 258, 276).<sup>1</sup> This life promises freedom as “self-determining action in accordance with laws and principles based on *thought* and hence *universal*” for all individuals. Everyone, not just those of a certain status as in Roman society, must be able to participate in this life. On this basis, all forms of slavery must disappear if such a life is to be a reality and the unconditional right of all. *Bestimmung*, Hegel’s term for “destiny,” means determination and constitution, so that the destiny of having a universal life to lead should not indicate a blind force alien to the way the individual is constituted. Rather, not only is it essential to the determination of the individual, to its aptitude for being autonomous, it is also in the interest of the individual to participate in the realization of this destiny.<sup>2</sup>

Hegel’s system of right sets itself the task of demonstrating, firstly, that the universal life is destined for the human individual in virtue of its capacity to grasp itself as a free, self-

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<sup>1</sup> “[D]ie Bestimmung der Individuen ist, ein allgemeines Leben zu führen.” The additions to the paragraphs by Hegel’s students and by Hegel himself are marked by A and R, respectively, after the paragraph number. For certain passages, the original German appears in the footnote. Unless otherwise noted, translations from other works by Hegel, especially his lectures, and works by his interpreters, are mine.

<sup>2</sup> See Hegel, “Lectures on the Philosophy of History (1827–1831),” in *Political Writings*, ed. Laurence Dickey and H. B. Nisbet (Cambridge: Cambridge University Press, 1999), 215. For a thorough account of the history of this term, see Laura Anna Macor, *Die Bestimmung des Menschen (1748–1800): Eine Begriffsgeschichte* (Stuttgart: Frommann-Holzboog, 2013).

determining subject, and, secondly, that the historical moment for the full realization of this destiny for all human beings had come. His project thus includes and aims to unify systematic and historical ambitions. On this premise, I discern three formal transformations or realizations that Hegel invokes in his *Philosophy of Right* to fulfil the conditions for universal life in modern bourgeois society: (1) of the human subject into the person; (2) of the activity for satisfying needs into free labor; (3) of the people or the community of human beings into the state. If the individual is to lead a universal life, then he or she must become a person by having a productive profession and living in a state.<sup>3</sup>

These realizations generate conditions of freedom by liberating the person from the crudity of blind impulses, the activity from uncompensated exploitation of one's entire capacity by others in slavery, as well as from being concerned only with satisfying one's own needs, and the community from the yoke of cruel customary laws. Hegel writes, "For *form* in its most concrete significance is reason as conceptual cognition, and *content* is reason as the substantial essence of both ethical and natural actuality" (PR: Preface, 22). Thus, in each case, that which is alien to the matter at hand is set aside and the concept of the matter—humanity, activity, community—comes into itself by regaining its consistency.<sup>4</sup>

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<sup>3</sup> It is only in the case of the people or nation becoming the state that Hegel uses the expression "formal realization" ("formelle Realisierung"), and he takes it to be the realization of the Idea in general ("Idee überhaupt"): "If the nation, as ethical substance—and this is what it is *in itself*—does not have this form, it lacks the objectivity of possessing a universal and universally valid existence." (PR: § 349, 375). For our purpose in this chapter, I take the Idea to signify freedom in general in the sphere of objective spirit without venturing into any discussion of the absolute spirit. For Hegel's notion of the Idea in the *Philosophy of Right*, see PR, Preface, 20–22. For an illuminating recent account on the relation between the idea and the realization of freedom in Hegel, see Christian Schmidt, "Autonomie und Freiheit. Politische Aspekte des Selbstbewußtseins bei Hegel." *Hegel-Studien* 47 (2013): 75–92.

<sup>4</sup> Three main sources of Hegel's philosophy of right can also be located in these three formal realizations: the natural-right theories of the person (Rousseau and Kant), the political-economy theories of the labor (Smith and Ricardo), and the classical politics of ethical state (Plato and Aristotle). The unrivaled originality of Hegel's thought, as some of his later interpreters noted, lies in his productive effort to reconcile all traditions into his system of right in the modern society. See Manfred Riedel, *Between Tradition and Revolution: the Hegelian Transformation of Political Philosophy*, trans. Walter Wright (Cambridge: Cambridge University Press, 1984), 107–108.

By detecting a set of antinomies and examining Hegel's solutions to them in his *Philosophy of Right*, I take up in this chapter Hegel's claim to substantiate the unity of systematic and historical dimensions of the rise of personality as the primary shape of human freedom and the fundamental unit of the universal life. My argument is that the formal structure of the person as a self-related 'I' in separation from any physical, psychological, and social condition comes into conflict with the conditions for the possibility of such an unconditional self-relation. These conditions, according to Hegel, are the relations of free or hired labor in bourgeois society. Because of the predominantly economic—thus self-interest-centered—organization of bourgeois society, the persons cannot resolve the conflict between their independence as free subjects and their dependence on the entire context of political-economic relations in bourgeois society. This problem particularly arises when it comes to the phenomenon of the rabble or the urban poor as a class without property, labor, and rights. Labor formally educates the individual into the person, but it does not secure the personality of all individuals. The conflict turns into an antinomy for the person insofar as it is required by Hegel both to be an autonomous 'I' and to acknowledge its dependence on all others.

The person for Hegel is at once “the supreme and the wholly ordinary” (translation modified; PR: § 35A, 68). Supreme because it elevates itself above everything, every condition, in order to declare, “I am myself.” Wholly ordinary because, just like any other living being, it has a body embedded in a time and place, entangled in a specific context. The person thus “contains this unity of the infinite and the utterly finite, of the determinate boundary and the completely unbounded.” This contradiction, notes Hegel in a lecture, “may be borne or endured, but not resolved, by me, the harmony, the identity, of the two is only present in the rational” (GW 26, 3: 1113–14). This means that from the standpoint of the person the contradiction remains.

Hegel's solution to this conflict is his theory of the state as a universal ethical sphere. In order for the state to serve as a resolution by securing the universality of the ethical life of many persons, it must be separated from and superior to the bourgeois society's particular needs and ends. The problem that I have found in Hegel's system comes into focus here, and my contribution to the study of Hegel's philosophy of right is limited to showing where we should seek its solution. My argument is that the state as the resolution to the antinomy of the person in Hegel—itsself the formal realization of the free human individual—is entangled in its own antinomy between its autonomy from the bourgeois society and its intertwinement with the realm of historical facticity. As Hegel proceeds to claim in the last section of the *Philosophy of Right* (§§ 341–360, 372–380), the state, which was held to be separate from empirical reality, becomes at once a product of the world history's realm of contingencies and inter-state relations. Even though Hegel fails to offer a way out of the conflicts of universal life for modern individuals, his very failure paves the way for a real resolution. Here I draw on the Left-Hegelian and Marxist interpretations of Hegel on the one hand and, on the other, the Hegel readings of some of the representatives of the post-War German practical philosophy, and propose to think of the universal life of the persons not merely within the boundaries of the state, as Hegel seems to suggest, but beyond it and into the turmoil of world history as a realm in which only states, not persons, are supposed to participate

The four parts of the chapter proceed as follows. I first show that Hegel's concept of the person of right emerges as a resolution to the antinomy, identified by Hegel himself, that the concept of the human being involves in the historical transition from the Roman world to the modern bourgeois society. Further, I examine the structure of free will in a systematic way. These two steps are to justify Hegel's regard of the person as the primary real form that free will takes (§ 1). The person, in its own right, will encounter an antinomy on account of the

conflict between its formal structure as an unconditionally free, independent 'I' (§ 2) and the genesis of this structure in the bourgeois relations of hired labor (§ 3). I finally examine Hegel's theory of the state as his solution to the problematic of the person and show why the state also proceeds in an antinomian manner. The chapter concludes with reflections on Hegel's speculative resolution to the antinomy, its difficulties, and the prospect of a real, that is, political resolution: the participating of persons in history to make possible the universal life beyond the mediation of the state (§ 4).

## § 1 THE HUMAN ANTINOMY AND ITS PERSONAL RESOLUTION

The sixth-century Justinian's *Institutes*, an essential part of the body of Roman law known as *Corpus Juris Civilis*, submits that "the main classification in the law of persons is this: all men are either free or slaves," where "They are either born slaves or enslaved afterwards." Yet, "under the law of nature all men were born free," and the law of nature "is the law instilled by nature to all creatures." The author is well aware that by making a man the property of another, "slavery is contrary to the law of nature."<sup>5</sup> Alan Watson claims, "This is the only instance in Roman law in which a rule of the law of nations . . . is said to be contrary to nature. No important practical consequences flow from the conflict—an indication of the lack of interest in, and unimportance of, an ideal law for the Romans."<sup>6</sup> This shows that one could abstractly hold onto the freedom of all and concretely, that is in society, believe in the freedom of some. We have an abstract notion of freedom here for it is absolved from the real commitments that this notion carries with it. Right is the concept with which Hegel recapitulates those

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<sup>5</sup> Justinian, *Justinian's Institutes*. ed. Peter Birks and Grant McLeod (Ithaca: Cornell University Press, 1987), J.1.2, 1.3, 1.5, 1.2, 1.3.2.

<sup>6</sup> Alan Watson, *Roman Slave Law* (Baltimore: Johns Hopkins University Press, 1987), 7.

commitments, because right is the realm of “actualized freedom.” Right is the commitment to conceiving of a free human being *also as* actually free, that is, as a person with rights. Slaves could be manumitted and thus become free persons under certain conditions. But this means that freedom in Roman society was a status granted to people conditionally (*status libertatis*), and since the status of being free was the precondition for assuming citizenship of Roman state (*status civitatis*), not all human beings enjoyed being persons of rights.<sup>7</sup>

Doing away with any condition for translating the freedom of all into the personality of all constitutes Hegel’s point of departure in his system of right. In person at its most abstract, “every status and rank is still excluded, the person is still not to be further determinable” (GW 26, 3: 1114).<sup>8</sup> whereas in “Roman law even personality itself, as opposed to slavery, is merely an estate [*Stand*] or condition [*Zustand*] . . . , it regards a human being as a person only if he enjoys a certain *status*” (PR: § 40, 71). If there is to be no condition mediating the freedom of a human being and the personality of a human being as the bearer of rights, then Hegel must deduce the person out of the human being in such a manner that the following infinite judgment can be valid: All human beings are persons of rights. This states that a human being is free only when he or she is actually free and not merely free in spirit or in concept. Jean-Jacque Rousseau’s famous statement in the opening chapters of his *Social Contract* shows a full awareness of the conflict that Roman law ignored, “Man is born free, and everywhere he is in

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<sup>7</sup> See Rudolph Sohm, *Institutionen. Ein Lehrbuch der Geschichte und des Systems des Römischen Privatrechts* (Leipzig: Duncker & Humblot, 1901), 161–167. See also Manfred Riedel, *Between Tradition and Revolution: the Hegelian Transformation of Political Philosophy* (Cambridge: Cambridge University Press, 1984), 115.

<sup>8</sup> “jeder Stand, Rang ist noch ausgeschlossen, er ist noch nicht weiter bestimmbar.”

chains.”<sup>9</sup> Hegel would add that if man is everywhere in chains, then his having born free is an irrelevant abstraction. Man is concretely free only when conditions are in place where he is not everywhere in chains. If Rousseau’s statement presents us with an antinomy—man is free yet man is unfree—then Hegel’s resolution to it would regard the human being always-already as a person. The transition from human being to person, or rather, the equating of being human with personality, is a move that, I believe, responds to a philosophical and political difficulty in defining human freedom in western tradition.

### 1.1 The Human Antinomy

Hegel’s take on the concept of the generic human being in the modern world is occasioned, in a negative manner, by his way of refuting the different ways of justifying slavery. In one way, which includes the historical views on the right of slavery, the justifications “depend on regarding the human being simply as a *natural being* whose *existence* (of which the arbitrary will is also a part) is not in conformity with its concept” (PR: § 57, 87). This recalls the ancient, Aristotelian view that looks at the slave as muscle for work, reducing it to a purely natural mode of existence.<sup>10</sup> The other way, that is, “the claim that slavery is absolutely contrary to right is firmly tied to the *concept* of the human being as spirit, as something free *in itself*, and is one-sided inasmuch as it regards the human being as *by nature* free, or (and this amounts to the

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<sup>9</sup> “L’homme est né libre, et par-tout il est dans les fers.” Jean-Jacques Rousseau. *Œuvre Complètes III: Du Contrat social, Ecrits Politiques* (Paris: Gallimard, 1964), 351. In the first version of the book, Chapter III, Book I, the sentence appears with a minor difference: “L’homme est né libre, et *cependant* par-tout il est dans les fers” “The human being is born free, however everywhere he is in chains” (289; emphasis added). A pedantic reading would take the elimination of the “however” in the last version to recall that the relation between natural freedom and social enslavement is much more immediate and established than one would imagine. Being born free is therefore no guarantee for living freely. The relation between the two parts of the sentence is conjunctive. I wonder if this means that Rousseau started accepting this situation of being in chains as normal.

<sup>10</sup> Aristotle’s discussion of natural slavery appears early in the *Politics*, Book I, II-III. See Nicholas D. Smith “Aristotle’s Theory of Natural Slavery.” *Phoenix* 37, no. 2 (1983): 109–122.



same thing) takes the concept as such in its immediacy, not the Idea, as the truth.”<sup>11</sup> The second view, though it possesses a concept of freedom of all, one could further stress the point, remains blind to the actual reality of slavery, and where it comes across slaves it regards them as *essentially* free persons whose bodies happen to be in chains. The two ways lead to what Hegel designates as an antinomy “which fixes upon and asserts the two moments of an Idea [i.e. the concept and its realization] in separation from each other” (PR: § 57, 87). It runs thus:

THESIS: The human being exists as a natural, concept-less being.

ANTITHESIS: The human being exists as a mere concept or a free spirit in itself.

To resolve the antinomy, Hegel notes, we need to overcome the one-sidedness of both assertions by realizing that if there is to be any free spirit, it must give itself “an existence which is purely its own and free,” or rather freedom must actually exist (*ibid.*). To rephrase Rousseau’s above statement, Hegel would then maintain that “the human being everywhere is born in chains, and he or she becomes free only through overcoming those chains.” That is,

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<sup>11</sup> The idea for Hegel is the unity of the concept and its existence. We can have a concept of slavery, such as the total exploitation of a human being by another, but the idea of slavery is richer in that it incorporates the historical specific realization of the concept in, say, Roman or South-American society. In PR: § 1, 25, Hegel remarks:

“Philosophy has to do with Ideas and therefore not with what are commonly described as *mere concepts*. On the contrary, it shows that the latter are one-sided and lacking in truth, and that it is the *concept* alone (not what is so often called by that name, but which is merely an abstract determination of the understanding) which has *actuality*, and in such a way that it gives actuality to itself.”

And in the Addition to the section he goes on thus:

“The concept and its existence are two aspects [of the same thing], separate and united, like soul and body. The body is the same life as the soul, and yet the two can be said to lie outside one another. A soul without a body would not be a living thing, and vice versa. Thus the existence of the concept is its body, just as the latter obeys the soul which produced it.”

The metaphor of soul-body is especially relevant to the Idea of human being in the main-text discussion for Hegel is arguing for their unity as the true side of freedom beyond their one-sided emphases. For Hegel’s early critique of the separation of the pure formal concept of right on the one hand and, on the other, its reality in the works of his contemporaries, see his 1892 review, “Gerstäcker’s Deduktion des Rechtsbegriffs.” *Werke* 2, 157–163, see esp. 158.

not only must the human being be considered as free in itself, this freedom must be actual and real so that the human freedom can realize itself in society, or, as Pippin puts it, in “specific ethical institutions.”<sup>12</sup> In slightly different terms, Charles Taylor writes:

The subject is both identical with and opposed to his embodiment. This can be because the subject is not defined by Hegel in one dimension, as it were, as a being with certain properties, but in two. He has certain conditions of existence, those of embodiment, but at the same time the subject is characterized teleologically, as tending towards a certain perfection, that of reason and freedom.<sup>13</sup>

Taylor does not bring up the issue of personality in the context of this remark, but it is hard to conceive of such a doubly qualified subject, a citizen of two worlds, without regarding it at once as the person that has “the capacity for right” (PR: § 36, 69). Right is this very existence of freedom (see PR: § 29, 58). The person of right, therefore, arises as the resolution that Hegel offers to the human antinomy in which the human being can be considered both as a natural subject and as a free, spiritual one, or as both finite and infinite. A human subject that is free in its embodiment, infinite in its finitude, must endure this double character in virtue of what is external to it. The validity and consistency of the true concept of the human being is guaranteed through its determination by personality. In an original way, Hegel thus brings right to bear upon the idea of human being on the one hand and the concept of validity on the other.<sup>14</sup> In this regard, the following passage from his lecture course on philosophy of right

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<sup>12</sup> Robert Pippin, “Hegel, Freedom, The Will: *The Philosophy of Right*: §§ 1-33,” in *G. W. F Hegel: Grundlinien der Philosophie des Rechts*, ed. Ludwig Siep (Berlin: Walter de Gruyter, 1997), 33.

<sup>13</sup> Charles Taylor, *Hegel and Modern Society* (Cambridge: Cambridge University Press, 1979), 21.

<sup>14</sup> For this point Hegel refers to Heineccius, *Elementa iuris civilis* (1728), where it states, “In law, man and person are quite distinct. A man is a being who possesses a human body and a mind endowed with reason; a person is a man regarded as having a certain status” (qtd in PR 405, ed. fn. 3 to § 40 ). Even though modern philosophers with their theories of natural right of all human beings must not have encountered much political problem with identifying the person with the human being, yet, philosophically, it was really only with Hegel that the person and the abstract human being became identical, at least as a possibility that could and should be realized. This is a thesis that Siep develops in his essay on the concept of the person in Locke, Kant, and Hegel, *Praktische Philosophie im Deutschen Idealismus* (Frankfurt a. M.: Suhrkamp, 1992), esp. 82, 90, 98–99.

is highly illuminating:

It is the education that makes us conceive of the individual as person, according to its universality. The immediate empirical intuition [perception] regards the others not as person. This occurs only through thought. The individuals now know themselves according to their personality. It is a great, important step that human beings have come to regard themselves through a great universal determination. . . . Because it is thus the particular will that thinks the universal, that wills the universal, right thereby sustains its existence. What is right in itself is thereby realized.—Insofar as collisions now emerge, right is to be provided and claimed, and that is administration of justice as such. Right then ought to / is supposed to come to its own / acquire validity. This knowledge of right's being valid is in turn something determining that right holds valid. (Forward slashes in the original)<sup>15</sup>

The existence of right, its actual validity for all human beings qua human beings, is correlated with the individual's capacity of knowing itself as something universal, that is, as person. Right as resolution to the antinomy of human being mediates the unity of the individual's natural existence and its free spirit. Moreover, right holds valid precisely because there is a will that knows itself as deserving of recognition and wants the universal. This is an essential move beyond the one-sided, abstract, merely in-itself concept of human being that led to the antinomy. Becoming a person through a valid, existing sphere of right shows that the human being becomes conscious of his or her substantial universality through something external, that is, as Hegel put it, through recognizing others as possessing such a substance as

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<sup>15</sup> “Die Bildung macht, daß das Individuum als Person aufgefaßt wird, nach seiner Allgemeinheit. Die unmittelbare empirische Anschauung betrachtet den andern nicht als Person. Dies geschieht erst durch das Denken. Die Individuen wissen sich jetzt nach ihrer Persönlichkeit. Es ist dies ein großer, wichtiger Schritt, daß die Menschen dahin kommen, sich in einer großen allgemeinen Bestimmung zu betrachten. . . . Indem also der besondere Wille es ist, der das Allgemeine denkt, das Allgemeine will, so erhält hiermit das Recht sein Dasein. Was Recht an sich ist, wird hiermit verwirklicht.—Insofern nun Kollisionen entstehen, so ist das Recht herzustellen und zu behaupten, und das ist die Rechtspflege überhaupt. *Das Recht soll jetzt zum Gelten kommen, eine Macht happen als Wirklichkeit. Dieses Wissen vom Gelten des Rechts ist dann wieder ein Bestimmendes, daß es gilt.*” *Philosophie des Rechts: Die Vorlesung von 1819/20 in einer Nachschrift*, ed. Dieter Henrich (Frankfurt a. M.: Suhrkamp, 1983), 169.

well. In the transition from the human being to the person, in the pedagogical making of the personality, the idea of the free yet embodied subject is not augmented by yet another qualification, namely being a person; what is thereby added to this idea is the entire context of real relations of freedom that Hegel calls right. The case here is analogous to the way that Hegel, following Kant, argued against the ontological proof of the existence of God from Anselm to Descartes, where existence is shown to be, not one among many properties of the concept, but the total context of the very reality of the concept.<sup>16</sup> Personality, too, far from being an additional property, makes for the real shape that the free human being takes in which the latter's two apparently contradictory aspects of freedom and embodiment find their unity. The person is the human being, as both natural and spiritual, sustaining its duality only in virtue of the reality of right. Hence the commandment of right: be a person, and regard others as persons (see PR: § 36, 69). This is a commandment to guarantee the awareness of an indebtedness, of a guilt, of a debt to be paid.<sup>17</sup>

If personality is the first shape that free will takes in its existence, then the structure of the free will of the abstract 'I' can offer a key to that of the personality. The deduction and structure of the free will as the threshold to the world of the objective spirit in Hegel's system will next be examined, and on that basis I will then proceed to examine the constitution of the person as the primary shape of free will.

## 1.2 The Form and Content of Free Will

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<sup>16</sup> Hegel, *Lectures on the Philosophy of Religion*, vol 3, ed. Peter C. Hodgson, (Berkeley: University of California Press, 1998), 351–359, “The Ontological Proof According to the Lectures of 1831.”

<sup>17</sup> For the significance of the structure of guilt in Hegel's idea of right, see Britta Caspers, *'Schuld' im Kontext der Handlungslehre Hegels* (Hamburg: Felix Meiner, 2012).

Free will, from a systematic perspective, emerges by overcoming a self-contradictory conception of freedom, that is, arbitrariness. The will must leave behind the sphere of drives and inclinations that characterizes a crude human being. The figure belongs to what Hegel calls the practical spirit as a moment of the subjective spirit.<sup>18</sup> Spirit or mind here is practical because on the one hand it appears in the form of one individual subject that has existence for itself and is real, finding itself in its inner, determined nature as one living entity (EG: § 471). On the other, it is intent on fulfilling itself; because it has inclinations and passions, it goes out and sets about satisfying them (EG: § 469). Subject, for Hegel, is “the *activity* of satisfying the drives,” and drives are nothing “but the liveliness of the subject.”<sup>19</sup> The main moments of the practical spirit are feeling, drives, happiness.

The living subject, in virtue of finding itself in one unity that possesses drives, and which wills whatever it happens to will, is capable of being self-conscious, namely in the form of the certainty of “I = I” (PR: § 25, 55). This unity or identity constitutes the pure form of the subject for the subject is not concerned just yet with the content of what it wills. In this respect, the subject is certain of itself, but this certainty has little to do with truth precisely because it

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<sup>18</sup> A schematic glance at this figure from a systematic point of view helps grasp its function in Hegel’s philosophy of right. In the *Encyclopedia of the Philosophical Sciences* (1830), remarks on drives and active, driven subject appear in the following arrangement:

First Part: The Science of Logic  
 Second Part: The Philosophy of Nature  
 Third Part: The Philosophy of Spirit,  
 First Subdivision: The Subjective Spirit,  
 C. Section: Psychology,  
 b. The Practical Spirit,  
 β. The Drives and the Arbitrariness.  
 γ. Happiness  
     c. The Free Spirit  
     Second Subdivision: The Objective Spirit  
       A. Right  
       B. Morality  
       C. Ethical Life  
     Third Subdivision: The Absolute Spirit

<sup>19</sup> “Subjekt ist die *Thätigkeit* der Befriedigung der Triebe,” “Lebendigkeit des Subjekts” EG: § 475, 384–385.

is formal certainty, aside from any concern with the content of that certainty. Hegel's pun on what is mine and my opinion (*Mein, Meinung*) refers to the formal, abstract nature of the identity of the living subject (GPR: § 25R, 76).

The indifference of the content of drives is what Hegel calls arbitrariness (*Willkür*) or “contingency in the shape of the will” (PR: § 15, 48). It does not matter what I will as long as I will something. The subject does not yet ponder over the object of its will. This, however, does not make the will of the crude subject any less real. Even so, the free will as this arbitrariness, this indifference of the content of the will, is only futile because contradictory and not really free yet: the arbitrary will wants to realize itself but since it is caught in the particularity of its randomly emerging drives, always presenting the will with new contents, it only succeeds in realizing an infinite series of substitutes for the objects of its will (EG: § 478).<sup>20</sup> The subject is enslaved to its drives, that is, to the unknown, alien, unresolved, content of that at which it is driven (in PR: § 17A, 50, Hegel explicitly states that at this point the drives are primarily the contents of the will). The purely formal freedom of the crude human being is therefore self-defeating and in conflict with its own concept, freedom. The task before a philosophy of right is to find a way out of the vicious circle of arbitrariness.

In Hegel's system, the first step towards the real, that is, non-contradictory freedom is taken through the third moment of the practical spirit: happiness. What follows this moment is the “free spirit,” with which the transition to the objective spirit, that is, the realm of the *Philosophy of Right*, occurs. Happiness is a representation (*Vorstellung*) of a harmony between the multiplicity of one's drives, the image of a universal satisfaction whereby the drives no longer stand in conflict with one another (EG: § 479). Happiness introduces the moment of

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<sup>20</sup> I cannot think of a better, more actual, example today than the phenomenon of infinitely scrolling down on the so-called social networks in pursue of yet another interesting post. The urge to view a post or click on a link is by design to be surpassed by another to view another post ad infinitum.

purposiveness to the pursuit of drives, denoting in this respect a more thoughtful relation to them. The contribution of the purpose to the business of satisfying one's drives institutes the dimension of thinking in willing. The purpose or the subjective "life plan"<sup>21</sup> signifies a step beyond the brute power of the naturalness of drives. Hegel writes, "The way of willing to make itself *objective* spirit is to elevate itself into a thinking willing—that is, to give itself the content that it can have solely as something capable of thinking" (EG: § 469; cf. § 482, PR: § 19, 51).

Happiness remains a private plan, however, and there is eventually no truly universal standard other than "tedious platitudes" for how to arrange and manage one's drives so that one could reach a happy harmony between them (PR: § 17A, 50). The content of my will in a life plan is much more freely mine, thus more in accord with the concept of free will, than in the business of blind satisfaction of whatever drive presents itself to me; I have willed what to will, and determined by myself what sort of satisfaction to pursue. All the same, the unity of content and form in my will does not yet present itself in the subjective, sentimental concepts of happiness. Happiness still falls short of a complete self-determination of the will, that is, freedom for Hegel (EG: § 480).

As the last, psychological, moment of the subjective spirit, happiness as life plan paves the way for the transition to the existing, objective spiritual world. The transition to such a world is now possible because the concept of the really free will has successfully been established and completed for Hegel: there is now a lively self-conscious subject capable of willing in a thoughtful manner. The concept of this intelligent will remains both abstract and formal, however. Abstract because severed from all other things and wills in such a way that the subject

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<sup>21</sup> "Lebensplan." Ludwig Siep, "Leiblichkeit, Selbstgefühl und Personalität in Hegels Philosophie des Geistes," In *Hegels Theorie des subjektiven Geistes*, ed. L. Eley (Stuttgart: Bad Cannstatt, 1990), 210.

is solely concerned with its own particular aspects, and formal because its relation to the content of its willing is not yet fully thoughtful.<sup>22</sup> To mend these two shortcomings and to be able to realize itself, the subject needs to come to terms with its world. Hegel thus lays out the terms of the relation with the world that the freely willing subject finds before it and where it enters into

an external objectivity that splits itself up into the anthropological aspect of particular needs, into the external things of nature which are for consciousness, and into the relationship of individual wills to individual wills, which are a self-consciousness of themselves in their diversity and particularity; this aspect makes up the external material for the existence of the will” (translation modified; EG: § 483).<sup>23</sup>

This is an entirely new register in the development of the concept of the crude human being confronted now with other aspects of his or her project of freedom that go out beyond the private management of drives: needs, things, other wills. The language of drives hardly appears henceforth. It belonged to the abstract, set-off realm of the subjective sphere. Every and each moment of the life of the crude human being in the realm of the objective spirit is to be developed anew in relation to needs, things, and wills, which are the materials of the “existence of the will.” Would not such a world impose limitation on the will instead of granting existence to it? Hegel is well aware of the ambiguity, “Freedom, shaped into the actuality of a world, acquires the *form of necessity*, whose substantial interconnexion is the system of the determinations of freedom, and its apparent interconnexion is *power, recognition*, i.e. its

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<sup>22</sup> For a brief take on the word abstract in Hegel, as “*abziehen* [abstraho, – traxi, – tractus], wegziehen, [i.e.] to detach from the richness of determinations of thought,” see Herbert Schnädelbach, *Hegels Praktische Philosophie: Ein Kommentar der Texte in der Reihenfolge ihrer Entstehung* (Frankfurt am Main: Suhrkamp, 2000), 202.

<sup>23</sup> “. . . sich eine *äußerliche* vorgefundene Objektivität bezieht, welche sich selbst spaltet in das Anthropologische der partikulären Bedürfnisse, in die äußerlichen Naturdinge, die für das Bewußtsein sind, und in das Verhältnis von einzelnen zu einzelnen Willen, welche ein Selbstbewußtsein ihrer als verschiedener und partikulärer sind; diese Seite macht das äußerliche Material für das Dasein des Willens aus.”



validity in consciousness” (EG: § 484).<sup>24</sup> The form of appearance of freedom for the subject are the relations of power, laws, duties, and the urgency of mutual recognition between the subjects. When freedom steps into the real world and tries to overcome the contradictory nature of willfulness and arbitrary satisfaction of drives, it first takes the form of, one could say, unfreedom, limitation, frustrating coercion, for what are laws if not means of limiting one’s life plan? The dual aspect of freedom remains with the reader of Hegel’s *Philosophy of Right* throughout. Figuring out the Janus face of freedom, as Rosenzweig put it, in actual reality, that is, offering insight into the unity of the substance and the appearance of freedom, is the task of the book.<sup>25</sup>

As laid down in the famous formulations of PR: §§ 5–7 (37–42), free will possesses two main moments. First is the “freedom of a void,” that is, the willing ‘I’s capacity to sever itself from every limitation, from this or that content, refusing to settle for any choice and determination, thereby preserving a pure negative force. This moment Hegel calls universality or pure indeterminacy (PR: § 5, 37).<sup>26</sup> It sets the original, empty scene of freedom, opening up the space of pure potentiality, yet retreating from filling that space with any specific object. Second, since the state of pure indeterminacy is unstable and void, and ultimately running counter to the will’s urge to fulfill itself in actuality, an act of differentiation, a sort of settlement in terms of content, is called for: the will posits something, it goes for such and such content to fill the void and to realize the indeterminate capacity of the ‘I.’ This is the moment of

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<sup>24</sup> “Die Freiheit, zur Wirklichkeit einer Welt gestaltet, erhält die *Form von Notwendigkeit*, deren substantieller Zusammenhang das System der Freiheits-Bestimmungen und der erscheinende Zusammenhang als die *Macht*, das *Anerkanntsein*. i.e. ihr Gelten im Bewußtsein ist.”

<sup>25</sup> Franz Rosenzweig, *Hegel und der Staat*, ed. Frank Lachmann, 1st ed. 1941 (Frankfurt am Main: Suhrkamp, 2010), 23–24.

<sup>26</sup> Such a pure indeterminacy, pure negativity, is a puzzling force. Even though Hegel takes the example of the Terror in the French Revolution as its exemplary manifestation, there is really no definite shape for it, no stage of its own, in Hegel’s thought, a point that Axel Honneth draws attention to: *The I In We: Studies in the Theory of Recognition*, trans. Joseph Ganahl, (London: Polity Press, 2012), 26.

determinacy (PR: § 6, 39). The will now emerges as a chooser, with its willing finding expression in particular objects to the point of losing itself in the world of things. If there is a shape for this second moment, then it must be the everyday life world of bourgeois consumers walking in warehouses and grocery shops. Finally, it comes for Hegel to the “unity of both these moments” that makes for the actual free will (PR: § 7, 41).

The result of the coming-together of the two moments of universality and determinacy is a singular, individual will, a will is both “reflected into itself and thereby restored to universality.” In this unity, the will returns to itself through the content of what it wills instead of immersing itself in the alien world of random objects of choice. The individual is with him- or herself in the world of the others. It is only then truly free and not arbitrary and self-defeating, when it has both the form of being reflected into itself as an abstracting, detaching, empty will, *as well as* a content that would not negate or limit or reverse the first moment. Such a content must be in agreement with the nature of the willing ‘I’ itself. Hegel’s conclusion runs thus: The will must will itself, not in the sense of refusing to step out of itself, but in the sense of finding itself in whatever the will encounters outside of it: “The will which is sure of itself does not therefore lose itself in what it determines” (PR: § 13A, 47). This is the structure of the free will in the real world.

Why do we need such a concept as personality in the first place when we already see a similar dual structure in the formation of the self-conscious ‘I’? For Hegel the abstract ‘I’ has a structural affinity with the pure concept, that is, the concept of the concept in general. The affinity indicates that, as in the case of the formation of free will, so too there arise in the formation of an individual concept the two moments of universality and determinacy or particularity. The unity of the two moments gives singularity/individuality, according to Hegel’s *Logic*. Now, significantly enough, in the *Logic* Hegel names this third, final moment

personality—which made for a complete concept of freedom in PR: §§ 5–7 (37–42).<sup>27</sup> This operation gives us a better sense of the relation as well as the difference between the concept of the personality and the figure of the person in the *Philosophy of Right*. If personality is already a well-determined term in virtue of its logically singular nature—as the concept that detaches itself from everything particular and yet determines itself in a particular way without thereby losing itself but becoming only real — then why does it need to undergo yet another form of singularization, or become, in Hegel’s definition of the singular, a “determinate determinate?”<sup>28</sup> In my view, and in agreement with Quante, this marks the exact transition from, on the one hand, the final sections of the Subjective Spirit part of the system (corresponding roughly to Hegel’s introduction to the *Philosophy of Right*), offering us the concept of free will, as well as the doctrine of the concept in *Logic*, and, on the other, the Objective Spirit part of the system, corresponding to the philosophy of right.<sup>29</sup>

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<sup>27</sup> In *The Science of Logic*, Hegel, *The Science of Logic* (Cambridge: Cambridge University Press, 2010), The Doctrine of Concept, Hegel remarks on the analogous structures of the concept as such and the self-conscious ‘I’ thus:

“the ‘I’ is the pure concept itself, the concept that has come into *determinate existence*. It is fair to suppose, therefore, when we think of the fundamental determinations which constitute the nature of the ‘I,’ that we are referring to something familiar, that is, a commonplace of ordinary thinking. But the ‘I’ is *in the first place* purely self-referring unity, and is this not immediately but by abstracting from all determinateness and content and withdrawing into the freedom of unrestricted equality with itself. As such it is *universality*, a unity that is unity with itself only by virtue of its *negative* relating, which appears as abstraction, and because of it contains all determinateness within itself as dissolved. *In the second place*, the ‘I’ is just as immediately self-referring negativity, *singularity* [Einzelheit], *absolute determinateness* that stands opposed to anything other and excludes it—*individual personality*. This absolute *universality* which is just as immediately absolute *singularization* . . . constitutes the nature of the ‘I’ and of the *concept*; neither the one nor the other can be comprehended unless these two just given moments are grasped at the same time, both in their abstraction and in their perfect unity” (514, 12.16–17).

For the structural similarity of the concept and the free will, see Vittorio Hösle, “Das abstrakte Recht,” in *Anspruch und Leistung von Hegels Rechtsphilosophie*, ed. Christoph Jermann (Stuttgart: Frommann-Holzboog, 1987), 5.

<sup>28</sup> Hegel, *The Science of Logic*, 546: 12.49.

<sup>29</sup> As for the problem of moving from the logical notion of personality to the real figure of the person, Quante writes:

“Hegel combines two logical moments of the ego, abstract self-consciousness (universality) and singularity as ‘absolute determinacy,’ in the determination of ‘individual personality.’ In the context of abstract right, on the other hand, Hegel distinguishes these two moments in terms of personality and person, respectively. He thereby attempts to derive a speculative argument for the necessity of a spatio-temporal, that is, corporeal individualization of the *person*, precisely from the *abstractness* of the conceptual moment of pure universality (*personality*) at the level of abstract right. . . . In the *Philosophy of Right* it is the will that is free in and for itself that possesses the structure of universality, particularity, and singularity.”

The actual point of departure in Hegel's philosophy of right is therefore the figure of the person. This figure is the same as the generic human being but freed of the contradiction that the latter involved. So, the moments of freedom and embodiment return in any treatment of the person, but this time around in relation to the really existing context of relations, the specific ethical institutions, the system of right, which are external to the person. Any inquiry into the person of right is a concrete version of inquiry into the human being and its free will.

## § 2 THE FORM OF THE PERSON: INFINITE SELF-RELATION

The concept of personality and the figure of the person first appear in PR § 35 (67–69), in the opening part of the work, Abstract Right. The fundamental, grey-on-grey structure of the person being laid down there, the figure then reappears in more colorful or concrete shapes throughout the rest of the book.<sup>30</sup> If not always visible, there exists a subtle difference between the personality as a concept and the person as a singular individual. Put simply, the person is the embodiment of the personality in a singular individual.<sup>31</sup>

On the basis of the structure of free will, we are now in a better position to turn to that of the person. Becoming a person for Hegel is a possibility present in the subject in the sense of “any living thing whatever” (PR: §35A, 68). Personality is a capacity that the subject has to the extent that it is a living, moving, desiring entity. But it is not absolutely necessary for the subject to realize its personality, to become a person. Hegel would not deny that a cat in virtue of

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Michael Quante, “The Personality of the Will” as the Principle of Abstract Right: An Analysis of §§34–40 of Hegel's *Philosophy of Right* in Terms of the Logical Structure of the Concept,” in *Hegel on Ethics and Politics*, trans. Nicholas Walker (Cambridge: Cambridge University Press, 2004), 87.

<sup>30</sup> Cf. Klaus Vieweg, *Das Denken der Freiheit: Hegels Grundlinien der Philosophie des Rechts* (Munich: Wilhelm Fink, 2012), 99.

<sup>31</sup> As Hegel writes in *Logic*, “Abstraction keeps singularity away from its products, and singularity is the principle of individuality and personality. And so it comes to nothing but lifeless universalities, void of spirit, color, and content.” *The Science of Logic*, 546, 12.49.

being a living animal may be said to enjoy such a capacity, yet its coming true is a different issue, and he would certainly deny it.

For Hegel, “Personality begins only at that point where the subject has not merely a consciousness of itself in general as concrete and in some way determined, but a consciousness of itself as a completely abstract ‘I’ in which all concrete limitations are negated and invalidated” (PR: § 35, 68).<sup>32</sup> Personality then forms itself by a dual consciousness. On the one hand, the person is aware of itself as *one* subject, that is, as a particular unity of parts that moves at the subject’s will. This accounts for the subject as the living being it already is. In virtue of this consciousness, “I know that I am something wholly determinate: I am of such an age, of such a height, in this room, and whatever other particular things I happen to be.” These particularities mostly refer to the subject’s body as an object caught up in space and time, having weight and skin color, so that it constitutes a “knowledge of the *self* as an *object*” (ibid.). Filling out the Personal Info section in the Visa application form exemplarily makes one aware of this aspect of being a person seeking to cross a nation-state’s border.<sup>33</sup>

This knowledge of oneself as something with various contingent properties that stands out opposite and external (as an object or *Gegenstand*) to the subject does not remain at the level of mere self-representation. I am not one with, nor exhausted by, my weight, height, skin color, but, and this leads to the second consciousness of the personality, I am a “completely abstract ‘I’” negating all concrete aspects. The self as object, according to Hegel, is “raised by thought

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<sup>32</sup> “Die Persönlichkeit fängt erst da an, insofern das Subjekt nicht bloß ein Selbstbewußtsein überhaupt von sich hat als konkretem, auf irgendeine Weise bestimmtem, sondern vielmehr ein Selbstbewußtsein von sich als vollkommen abstraktem Ich, in welchem alle konkrete Beschränktheit und Gültigkeit negiert und ungültig ist.”

<sup>33</sup> It is interesting to note that Hegel scolds Fichte for having concerned himself even with “*passport regulations* to the point of ‘constructing,’ as the expression ran, the requirement that the passports of suspect persons should carry not only their personal description but also their painted likeness.” Hegel makes this point to show why it is ridiculous for philosophy to “interfere in things” instead of dealing only with actuality of matters insofar as they relate to the Idea, that is, as long as they deal with what is essential in the actual (PR: Preface, 21). The modern developments, however, showed that Fichte’s preoccupations were not all too vain given the excessive operation of the states today in surveilling persons and non-persons.

to simple infinity and hence purely identical with itself.” This makes for the essential aspect of the capacity for personality and at once for its grave complexity. The subject does not simply find its many external features in a mirror, as it were, but, to extend the visual example, the subject is capable of looking at itself in the mirror realizing that it is that image or that mirror image is its own self, so it turns from its represented particularities away and back to an identity severed or abstracted from those particularities. As Hegel notes in a lecture a couple of years before, “I am dependent on all sides, but I am equally my own, I am thus infinite and universal in that I grasp myself as the I.”<sup>34</sup> The transition from being a living subject to the standpoint of the person wholly rests on this elevation of the representation of one’s self in its external traits, on an act of self-identification, or, simply put, on the ability to utter the words “I am myself.” To doubly stress the significance of such a capacity, Hegel goes on declaring, “In so far as they have not yet arrived at this pure thought and knowledge of themselves, individuals and peoples do not yet have a personality.”<sup>35</sup>

The representation posits the self as something external and looks at it through intuition,

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<sup>34</sup> “Ich bin nach allen Seiten abhängig, aber ebenso bin ich mein eigen, ich bin daher unendlich und allgemein, indem ich mich erfaße als Ich.” *Vorlesungen über Naturrecht und Staatswissenschaft: Heidelberg 1817/18 mit Nachträgen aus der Vorlesung 1818/19*, ed. P. Wannenmann, and C. Becker (Hamburg: Felix Meiner, 1983), 15; cf. PR: §12, 46.

<sup>35</sup> There exists an etymological as well as historical-practical relation between, emptiness, voice and “person” in the antiquity. *Persōna* means through-voice. It was originally a full-face mask with a pipe-like hole for the mouth through which the actor talked. According to *An Etymological Dictionary of the English Language*, *persona* by Walter W. Skeat (Oxford: Clarendon Press, 1929), the “large-mouthed masks worn by the actors were so called from the resonance of the voice sounding through them. . . . *per*, through; *sonare*, to sound, from *sonus*, sound” (s.v. “Person,” 436). The same history holds true for the German word ‘Person.’ See *Deutsches Wörterbuch von Jacob und Wilhelm Grimm*, s.v. “Person,” accessed September 4, 2018, <http://dwb.uni-trier.de/de/die-digitale-version/online-version/>. One could speculate, then, that the mask or *persona* would conceal all the particularities of the actor and reduce him or her to a voice impersonating a role indifferent to the constitution of the actor. (I owe the etymological idea of “sounding through” in “person” to Professor Richard A Macksey.) Boethius, relying on a similar etymology of the word, notes that “the hollow mask necessarily produces a larger sound.” *Theological Tractates. The Consolation of Philosophy*, ed. H. F. Stewart, E. K. Rand, and S. J. Tester (Cambridge, MA: Harvard University Press, 1973), 84. We cannot rely too much on etymology, however. There are other theories about the origin of the word *person* (such as *peri sona* [around the body], *per se una* [one in or of itself]), and, as Adolf Trendelenburg argues, “In this wealth of doubtful and uncertain conjectures, we may see that the family relationship of *persona* has not been discovered.” Adolf Trendelenburg, “A Contribution to the History of the Word Person.” *The Monist* 20, no. 3 (July 1910): 336–363, 341.

it presents the self as a determinate thing to the self, helping the subject imagine itself as possessing such and such properties.<sup>36</sup> What this act of presentation fails to do on its own is to relate this self-as-object back to the self-as-self. This means, beyond the act of imagining oneself as being of such an age, such a height, and other specific characteristics or idiosyncrasies, the person needs to take yet another step and sever itself, its 'I,' from all these particularities, asserting itself as an empty, universal substance, and this is a step that representation, because of its entanglement in images and externality of intuitions, fails to carry through.<sup>37</sup>

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<sup>36</sup> The distinction between the dual consciousness of the person can also be worked out through the distinction between representation and thought. The identity of the self, the I=I, cannot be achieved through representation alone but through thought. Though the distinction is essential for Hegel, the mechanics that he offers of the working of representation may or may not strike one as compelling. Yet its outcome is highly fruitful for an understanding of the structure of personality. Systematically, intuition, representation, and thinking are the three moments of Theoretical Spirit in the Psychology subdivision of the section on Subjective Spirit. As Hegel outlines it, a step just before thinking, representation operates through three moments of recollection, imagination, and memory. Through intuiting, recollection offers a content just as it is given to the mind and posits it as mine in the form of an image. Then comes imagination into play fashioning the content in an active and subjective way, very much similar to what thinking does. Imagination reacts to "the intuited object thinkingly, by bringing out what is *universal* in it, and giving it determinations that pertain to the I" (EG: § 451). Hegel states that "the space and the time of intelligence are *universal* space and *universal* time. Consequently, in placing the content of feeling in the inwardness of intelligence and thereby making it a representation, I lift the content out of the *particularity* of space and time" (EG: § 452A). The outcome of this operation is a sign that captures the represented content in its universality. And finally, through memory the sign is again recollected, "taken up into the intelligence." For a recent discussion of Hegel's psychology in relation to the formation of the free will, see Dirk Stenderoth, "Practical Mind and Free Will: Hegel's Gradual Development of Will," in *Hegel's Philosophical Psychology*, ed. Susanne Herrmann-Sinai (New York: Routledge, 2016), 156–162. What I would argue against in Stenderoth's take, is his "gradual" notion of the transition from the lower to higher, freer manifestations of freedom. From both a deductive and genetic perspective, such graduation fails to account for the moment of pure indeterminacy, pure negativity, that is already at work in human subjectivity from its earlier stages. Graduality is meaningful only as in the sense of the process of conceptualizing the free will.

<sup>37</sup> To understand the difference and relation between these two aspects of the person, I suggest looking at Descartes's operation in his *Meditations on First Philosophy*. Descartes explicitly works with the distinction between an empty *cogito*, "I am a thinking thing," and the ideas or representation that occur or are contained in that thing. The fundamental certainty that Descartes establishes in his *Meditations* is that "I am something." Through his methodical putting-into-question of all he knows, he concludes that there is one thing that is immune to doubt: "I will now shut my eyes, stop my ears, and withdraw all my senses. I will eliminate from my thoughts all images of bodily things, or rather, since this is hardly possible, I will regard all such images as vacuous, false and worthless. I will converse with myself and scrutinize myself more deeply; and in this way I will attempt to achieve, little by little, a more intimate knowledge of myself. I am a thing that doubts, affirms, denies, understands a few things, is ignorant of many things." René Descartes, *Meditations on First Philosophy, with Selections from Objections and Replies*, trans. John Cottingham (Cambridge: Cambridge University Press, 1996), 24.

The individual not only finds him- or herself to be such and such a thing, to have such and such properties, but also knows those properties to belong to him- or herself as something that is *more* than the sum total of his or her external properties. The person can relate to his or her bodily determinations in such a manner as to enable him or her, as Hegel notes in a handwritten addition, to idealize those determinations (“Idealität der Bestimmungen,” GPR: § 35R, 54). The bodily determinations are spatial-temporal, so idealizing them would amount to placing them in universal space and time (see EG: § 452A). If one aspect of the person’s consciousness presents the particularities existing in space and time, or its body, then the other aspect, the abstract empty ‘I,’ does equally exist. But where? Hegel does not subscribe to the Cartesian solution to the problem of the embodied ‘I.’ For him, the I Think is not a substance demonstrable in isolation from its thoughts and surrounding world which requires God to secure its relation to them.<sup>38</sup>

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The I Think is the substance that persists through. By establishing the I Think, the work of a first philosophy is not done. Descartes is yet to establish the relation between the I and the external world. “The chief question at this point concerns the ideas which I take to be derived from things existing outside me: what is my reason for thinking that they resemble these things?” 26. The second step requires a different method than the first, namely the substantiation of the I. Descartes’s causal theory of ideas and his underlying argument for the existence of a God that is not a deceiver is to secure the success of the second step.

<sup>38</sup> In Hegel’s view, Descartes falls short of offer a real solution to the relation between the soul and the body. For one thing, soul and body are two separate substances, respectively of thought and extension, with no capacity for directly influencing one another. While both have essential relation to one another for they need one another, nevertheless, in virtue of each being a totality in itself, they do not have real relation. So, the middle thing that is to mediate and bind them together for Descartes is God. In Descartes, God is, in Hegel’s words, “the complete identity of both opposites [soul and body]; this is the unity of the Idea, that is, of the concept and the real.” *Vorlesungen über die Geschichte der Philosophie*, vol. 3 (Frankfurt a. M.: Suhrkamp, 1971), 156. Now the problem for Hegel arises when we consider that this Cartesian God is a transcendent one that, as a third thing, mediates and renders possible the relation between the two things, thinking or soul and body, from outside (“außerhalb beider”), so that the unity is not created out of the two opposite terms themselves as concepts. To establish a relation between the two terms and the third, Descartes, as Hegel bids us not to forget, “says that those two first terms [soul and body] are created substances [*erschaffene Substanzen*]. This belongs to representation [*Vorstellung*]; creation is no thought [*Gedanke*]” (157). Creation is supposed to secure the internal relation of both substances to the third, mediating term in their unity. Since it is not a determinate concept, or at least Descartes fails to conceptualize it determinately, it fails to demonstrate the immanence of the third in the first two terms. Creation does not have the status and force of a concept, hence lacking the structure and movement of the concept. (Hegel then goes on claiming that it was Spinoza who managed to refer the function of the third term back to thought.)



So far as the infinity in the subject goes, I propose to understand it in this way: to the extent that the particular properties that the person encounters, in its body and in its surroundings, can be infinite in number (from limbs to cells to neurons to psychological traits), the act of separating oneself from them must have an infinite character. It is as if the person were saying: I am not one with my hand, not one with my face, not one with my heart, cells . . . and so on ad infinitum. This infinity should not be taken as a spatial or temporal progress without end, but as a capacity already fully present in the subject, otherwise not a single act of abstraction would be imaginable. For Hegel, the infinity activity of the subject is already at work when it says ‘I.’<sup>39</sup>

On the double aspect of personality, the Addition to PR: § 35 (68–69) states:

Personality is thus at the same time the supreme and the wholly ordinary [or low]; it contains this unity of the infinite and the utterly finite, of the determinate boundary and the completely unbounded. It is the supreme achievement of the person that it can bear this contradiction, which nothing in the natural realm contains or could endure (Translation modified).<sup>40</sup>

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<sup>39</sup> See EG § 96 A. Rinaldi offers a similar, quite expedient argument on the necessity of the presence of the infinity in the Hegelian subject through. In a bid to criticize the Fichtean theory of the activity of the I in relation to what resists this activity as the Non-I, Rinaldi writes:

“For such an activity presupposes as a condition for its possibility a sensuously given or material thing-in-itself, that, as such, is alien and transcendent to it. But, to the extent that as such a presupposition of the expression of the activity of the finite subject is unconditionally required, then it is *immanent* to its [subject] concept, is a condition of its consciousness (more precisely: a sensuous datum of external intuition), and at least in this respect identical with it, so that it ceases *eo ipso* to be alien and transcendent to it. The act of thinking, the I=I, the pure self-consciousness, which renders possible the unity of experience by organizing the heterogeneous manifold of its contents in an organic system of synthetic *a priori* knowledge, is therefore necessarily *actually infinite*.”

Giacomo Rinaldi, “Hegel und das philosophische Verständnis der Person,” in *Autonomie und Normativität: Zu Hegels Rechtsphilosophie*, ed. Kurt Seelmann and Benno Zabel (Tübingen: Mohr Siebeck, 2014), 22.

<sup>40</sup> “Die Person ist also in einem das Hohe und das ganz Niedrige; es liegt in ihr diese Einheit des Unendlichen und schlechthin Endliches, der bestimmten Grenze und des durchaus Grenzenlosen. Die Hoheit der Person ist es, welche diesen Widerspruch aushalten kann, den [in another version, W.,: der] nichts Natürliches in sich hat oder tragen könnte.”

The contradiction in the passage has two terms: high and low, infinite and finite, limited and unlimited, a concrete living being and an abstract I, a bundle of representations or images and a thinking substance. The fundamental characteristic of the person is that it can suffer through the state of being two contradictory things without collapsing under the contradiction. This requires a power, the power of a colossal spirit appearing insane to common sense for its bearer is at one stroke as weak as a stone because of its bodily properties, its biological and physiological uncertainties.<sup>41</sup>

A simple, analytical notion of contradiction here would consist in conceiving of the infinite as the negation of the finite just as the prefix “in-” suggests. The finite is something that has boundaries, limits, is doomed to perish. It is what has an end. On the other hand, that which has no boundary and does not end would then be infinite. Such an analysis does not clarify much for us.<sup>42</sup> While Hegel develops his notion of bad and true infinity in *Logic*, rather than draw on that, I would develop the distinction and the contradiction out of the present case itself in a manner not directly deployed by Hegel himself.<sup>43</sup>

The above passage on the finite and the infinite presents us with a double path leading to the person. One path, the finite one, offers what should be called an additive principle to reach the level of the personality. According to this principle, the person would be made up of a series of particular determinations or corporeal, hence spatial-temporal, properties the aggregation of which will constitute the person. This path fails, however, for no matter how

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<sup>41</sup> See GW 26, 3: 1113.

<sup>42</sup> Rolf-Peter Horstmann argues against a merely contradictory view of the infinite, and for the possibility of what Hegel calls a true infinity, thus, “the possibility of grasping anything finite at all (the red there, the roundness here), presupposes the capacity for distinguishing it from any number of other things, or, as he [Hegel] puts it, from the infinite. But it also presupposes that the qualitative self-presence of something can only be grasped through a concept of finitude and infinitude that does not interpret them as mutually exclusive terms. If no such conception were available, we would merely be left with a contradictory concept of infinity.” R. P. Horstmann, “Substance, subject and infinity: A case study of the role of logic in Hegel’s system,” in *Hegel: New Directions*, ed. K. Deligiorgi (Acumen, 2006), 77; see also 78.

<sup>43</sup> Hegel, *The Science of Logic*, 111: 21.217; cf. the very brief take in PR: § 22, 53–54.

many parts we add up, from limbs down to, say, the millions of neurons—and we can do so ad infinitum—the aggregated outcome would fall short of constituting anything more than the generic body of a human being. Such a body may look like a human subject capable of referring to itself as ‘I,’ but being a person requires more than that. Now if we look closer, we realize that this additive principle may not even reach a human body at all. Starting with a part, there is no way for us to construct a whole if we do not have a consistent idea of the whole. And if we have such an idea, then we are actually starting with the parts but have already made up our mind as to what we will reach. The paradox here, in my view, is identical to the old Zenonian paradox of movement or distance, that is, traversing the additively infinite series of a given distance in a finite period of time.<sup>44</sup>

To pose the problem more concretely and provide an answer, I draw on Spinoza. In a famous letter on the concept of infinity to his friend, Lodowijk Meyer, to take an example Spinoza distinguishes between two ways of arriving at the definition of time and space. One is, in our preferred language here, an additive, the other a constructive way. He writes:

If someone conceives Duration in this abstracted way and, confusing it with Time, begins dividing it into parts, he can never understand how an hour, for instance, can pass by. For in order that an hour should pass by, a half-hour must first pass by, and

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<sup>44</sup> I have borrowed the idea and the expression of additive principle, as opposed to constructive principle, from Walter Benjamin’s view of the distinction between historicism and materialist historiography, especially when it comes to the concept of a universal history. In the Thesis XVII of his *On the Concept of History*, he writes, “Universal history has no theoretical armature. Its method is additive; it musters a mass of data to fill the homogeneous, empty time. Materialistic historiography, on the other hand, is based on a constructive principle.” *Theses on the Philosophy of History*, in *Illuminations*, ed. Hannah Arendt, trans. Harry Zohn (New York: Schocken, 1969), 261. The additive principle here is easier to grasp than its alternative for Benjamin, which differs from any speculative notion of substantive totality as in Hegel and Spinoza. This much, however, can be teased out here that for Benjamin, historical time is not the sum total of isolated moments in the past to be filled with historical events in separation from the present. A notion of temporality presupposes the act of looking at the past events. This notion for Benjamin is of a messianic nature. Correlative with this notion is another that is helpful in understanding the constructive principle is monad. Instead of piling up the particular occurrences to form the identity of the historical subject, notes Benjamin, “A historical materialist approaches his subject only where he encounters it as a monad. In this structure he recognizes the sign for a Messianic cessation of happening, or, revolutionary chance in the fight for the oppressed past” (262). The idea of a “monadic structure” in which all parts hang together in relation to a whole that is more than their sum total puts Benjamin in the vicinity of Hegel.

then half of the remainder, and the half of what is left; and if you go on thus subtracting half of the remainder to infinity, you can never reach the end of the hour.<sup>45</sup>

The failure of this effort lies in our representation of the space or time or measure as composed of self-standing parts, just as we tend, representatively, to think of a line as composed of individual points. The same failure asserts itself in the additive, finite construction of the person based on dividing it into a series of parts supposedly to constitute the whole of the personality. To solve the contradiction of the additive principle, Spinoza suggests, “[C]ertain things are infinite by their own nature and cannot in any way be conceived as finite, while other things are infinite by virtue of the cause in which they inhere; and when the latter are conceived in abstraction, they can be divided into parts and be regarded as finite.”<sup>46</sup> Without intending to get into the specifics of Spinoza’s metaphysics, what is of importance for our topic here is the assertion that not everything can be understood or thought through its division into its components or parts.<sup>47</sup>

The logic of internal self-differentiation of the whole, instead of aggregation of the parts to reach the whole, is the fundamental method in Hegel’s thought through and through.<sup>48</sup> This is especially the case in the third part of the *Philosophy of Right*. If in the first two parts, we have

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<sup>45</sup> Spinoza, *The Letters*, trans. Samuel Shirley (Indianapolis: Hackett, 1990), letter 12, 104.

<sup>46</sup> Spinoza, *The Letters*, 106.

<sup>47</sup> Famously, Hegel calls the above conception of the infinite bad or spurious infinity, that is, a mathematical infinity that relies on the substitution of one finite thing with another, or of adding one property to another. In agreement with the Spinozist position, Hegel writes in the *Logic*:

“[T]he infinitude . . . is not the empty abstraction from the finite, is not a universality which is void of content and determination, but is the fulfilled universality, the concept which is *determined* and is truly in possession of its determinateness, namely, in that it differentiates itself internally and is the unity of its thus intelligible and determined differences. Only in this way does reason *rise* above the finite, the conditioned, the sensuous, or however one might define it, and is in this negativity essentially *replete with content*, for as unity it is the unity of determinate extremes. And so *the rational* is nothing but the *syllogism*. *The Science of Logic*, 589, 12.91.

<sup>48</sup> In an important remark to his account of Hegel’s *Phenomenology of Spirit*, Förster lays down in precise terms the two models of constructing the whole in Hegel: Eckart Förster, *Die 25 Jahre der Philosophie* (Frankfurt am Main: Klostermann, 2012), 315–318.

the moments of the abstract right and morality leading up to the third moment of the ethical life as the unity of the previous moments, then the path in the second part makes for a descent: it is the whole that divides itself into the moments of family, civil society and the state.<sup>49</sup> The first two parts follow, then, we could say, an additive principle, whereas the last part follows a constructive or syllogistic one. Moreover, this logic shows the extent to which the Objective-Spirit part of the system, the realm of the actualized freedom in right, rests on foundations that are not laid down in the *Philosophy of Right* itself but which appear in the Absolute-Spirit section of the system in order for the syllogism to work.<sup>50</sup>

To elucidate this point further, I reproduce here an illuminating schema that Hegel drew for an early lecture in the context of exposing antinomies that philosophies of subjective reflection face.

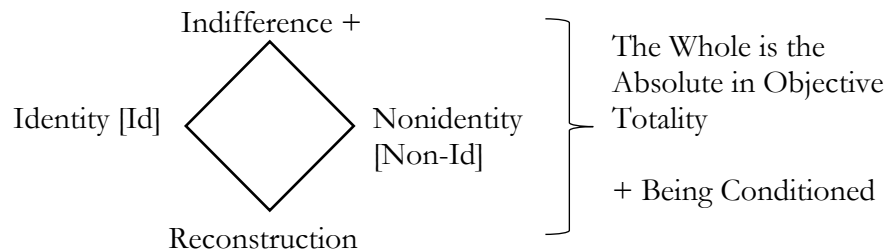


Figure 2 <sup>51</sup>

The identity side corresponds to the act of positing an autonomous, self-related form, while the nonidentity side represents the counter-position, namely, that which resists that act and

<sup>49</sup> For a similar view on the abstract-concrete-abstract movement of the PR, see Henning Ottman, “Hegelsche Logik und Rechtsphilosophie. Unzulängliche Bemerkungen zu einem ungelösten Problem,” in: *Hegels Philosophie des Rechts: Die Theorie der Rechtsformen und Ihre Logik*, ed. Dieter Henrich and Rolf-Peter Horstmann (Stuttgart: Klett-Cotta, 1982), 385.

<sup>50</sup> See Dieter Henrich, “Logical Form and Real Totality: The Authentic Conceptual Form of Hegel’s Concept of the State,” in Pippin, ed., *Hegel on Ethics and Politics*.

<sup>51</sup> G. W. F. Hegel, “Hauptideen von Hegels Vorlesung über Logik und Metaphysik [1801/1802],” in F. W. J. Schelling and G. W. F. Hegel, *Schellings und Hegels erste Absolute Metaphysik (1801–1802)*, ed. Ignaz Paul Vitalis Troxler, and Klaus Düsing (Köln: Dinter, 1988), 71.

serves as both its conditions and obstacles. Both sides for Hegel are infinite: the former in virtue of self-relation and the latter in the sense of the endlessness of particular situations, properties, and conditions that confront the identity. The indifference point refers to the situation before the act and any difficulties involved in it. Because identity and nonidentity generate an antinomy, a third standpoint is required to hold the two sides together without any kind of contradiction that natural understanding might face. The third standpoint belongs neither to the subjective side that makes identities nor to the side of the endless objective realm that created non-identities. It is the standpoint of “something determinate” (*Bestimmtes*). Through reconstruction, reason, according to Hegel, takes into account the conditionality of any identity, be it a transcendental ‘I,’ the person, the state, the work of art, the moral subject. Reason thus “demands the sublation . . . of the two infinities that oppose one another in the understanding, declares it as false, infinities that are separated only in their posited laws.”

In the case of the person, Hegel claims that the contradiction between its finite and infinite aspects “may be borne or endured, but not resolved, by me, the harmony, the identity, of the two [the infinite and the finite], is only present in the rational” (GW 26, 3: 1113–14).<sup>52</sup> It is only by starting from a whole differentiating itself internally, not from the parts adding themselves up to form the whole, that the unity of the two aspects of the person is possible. This unity, however, cannot be achieved consciously by the person itself. If the person is to be the bearer, but not the resolver, of the contradiction between its dual constitution, then its very genesis must fall outside of its own, self-standing unity. What in the final analysis constitutes the person is external to the person. The person owes its unity to something that does not lie within the person. This is true both systematically (the unity is “only present only

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<sup>52</sup> “Der Widerspruch wird zwar von mir getragen, aber nicht gelöst, die Harmonie, die Identität beider ist erst im Vernünftigen.”

in the rational”) and historically (the conditions for the rise of the person are concretely present). Hegel asserts the unity of both, a complex issue that I will turn to in the last part of this chapter after examining his account of the emergence of personality in the modern world.

### § 3 THE GENESIS OF THE PERSON: HIRED LABOR

On the historical nature of the emergence of the person Hegel remarks:

The principle of the *self-sufficient and inherently infinite personality* of the individual, the principle of subjective freedom, which arose in an inward form in the *Christian* religion and in an external form . . . in the *Roman* world, is denied its right in that merely substantial form of the actual spirit [in Plato’s *Republic*]. This principle is historically later than the Greek world, and the philosophical reflection which can fathom these depths is likewise later than the substantial Idea of Greek philosophy. (PR: § 185, 223)

In his preface to the second edition of *Philosophy of Right* in 1833, Hegel’s disciple, Gans, testifies that a most important merit of the master’s project is that in it, natural right is not “merely a beginning and a groundwork in a preceding science, but [that] a spillover and maturation into a following one is also given.”<sup>53</sup> I take this to mean that for Hegel the figure

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<sup>53</sup> E. Ganz. “Vorwort zur 2. Ausgabe der *Rechtsphilosophie* (1833),” in *Materialien zu Hegels Rechtsphilosophie*, vol. 1, ed. Manfred Riedel (Frankfurt am Main: Suhrkamp, 1975), 244. Modern theories of natural right during the eighteenth century, both on empiricist and rationalist-idealist sides, usually encounter the challenge of the point of departure and of the guiding principle in building up the other aspects of a political community out of that starting point. Categories such as natural state, social contract, natural right and law serve for Hegel as either abstract or downright fantastical and in any case arbitrary starting points to be done away with. The second and third parts of Hegel’s early treatise on natural right are devoted to a critique of theories of natural right. See *Über die wissenschaftlichen Behandlungsarten des Naturrechts, seine Stelle in der praktischen Philosophie und sein Verhältnis zu den positiven Rechtswissenschaften*, in: *Jenaer Schriften 1801–1807. Werke II.* (Frankfurt a. M.: Suhrkamp, 1986), esp. 440–441, 446–448, 452. For a commentary, see Rosenzweig, *Hegel und der Staat* 187–192. Cf. Horstmann, “Der geheime Kantianismus in Hegels Geschichtsphilosophie,” in *Hegels Rechts Philosophie*, esp. 56–58, 67–68, 71. On the distinction and relation between systematic and historical dimensions of Hegel’s philosophy of right, see Ludwig Siep, “Vernunftrechts und Rechtsgeschichte. Kontext und Konzept der *Grundlinien* im Blick auf die *Vorrede*,” in *G. W. F Hegel: Grundlinien der Philosophie des Rechts* (Berlin: Akademie Verlag, 1997), 7–9, 13, 16–18. For a concise discussion of Hegel’s position vis-à-vis theories of natural right, see Dean Moyar, “The Political Theory of Kant, Fichte and Hegel,” in *The Routledge Companion to Nineteenth Philosophy*, Dean Moyar (New York: Routledge, 2010).

of the person or free human being with rights is not an absolute, always-already taken-for-granted point of departure, but the very emerging of the personal protagonist under specific historical conditions turns into a key concern of philosophy of right. Such a philosophy comes with a philosophy of history, suggests Gans. In the same vein, Rosenzweig's 1921 tome on *Hegel und der Staat* works out a direct historical influence on Hegel's thought of right from its very early stages. The first decisive encounter with the philosophical impact of world history, through the French Revolution, showed itself in the 1802 treatise *On the Scientific Ways of Treating Natural Law*, in which, according to Rosenzweig, the estate structure of the pre-modern polis with its slaves–freemen division, ceded to a “universal mixture of estates.” This marks a crucial moment for the genesis of the figure of the person as the generic human being.<sup>54</sup>

In fact, Hegel both declares the collapse of the traditional fixed estates of, say, aristocracy, clergy, and the warriors in modern society since the French Revolution and, at the same time, reconstructs new estates in the predominantly economic life of the bourgeois society through the category of labor. This makes for the closest thing to a theory of classes in Hegel, an essentially relational, fluid concept that rarely, if ever at all, occurs in Hegel.<sup>55</sup> A glance at the development of these concepts in his thought will be illuminating.

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<sup>54</sup> Rosenzweig, *Hegel und der Staat*, 188. For a similar view on the decisive historical thinking in the early Jena period, see also Jean Hyppolite, *Introduction à la philosophie de l'histoire de Hegel* (Paris: Marcel Rivière et Cie, 1948), 82, 52. An analogous reading of the objectification or reification in Hegel's philosophy of right is offered in Marcuse's *Reason and Revolution: Hegel and the Rise of Social Theory* (New York: Beacon, 1960), 195. For a thorough take on the place of history, philosophy of history, and the historical character of bourgeois society, see Manfred Riedel, *Zwischen Tradition und Revolution*, 59–64, 139–170, 203–223.

<sup>55</sup> Defining class (*Klasse*) in opposition to estates (*Stände*) is a tricky task. Commentators of Marx and Marxism have major difficulties in reaching a consensus over the characteristics of a class. It can be defined as the individuals' position in the social production. The same can be said about the more traditional estates. Class is a more abstract concept. The material and legal conditions defining one's class are much more indistinct and invisible than those defining one's estate. The individuality of an individual belonging to a class is far more emphatic than in an estate. According to Weber, classes belong to the economic order, while estates to the social order. See Martin Groß, *Klassen, Schichten, Mobilität: Eine Einführung* (Tübingen: Springer, 2015), 27–28. If estates are more social, they are at once more naturally grown. See *Deutsches Staats-Wörterbuch*, J.G Bluntfchli and R. Brater (Stuttgart, 1860), 525. For a philological and philosophical take on the difference between estates and class,



Following the leads of Ritter and Lukács's study of the young Hegel, Riedel points to the increasing, and among his peers unique, importance of the economic life of the modern society in Hegel's thought early on in the Jena period (1801–1806).<sup>56</sup> Though there is still no talk of “bourgeois society” in the 1803–04 and 1805–06 lecture outlines on the *Realphilosophie*,<sup>57</sup> Hegel is already showing awareness of the necessity to take into account the political-economic reality of self-interested, needful, rights-seeking individuals in society. Two aspects of the person assert themselves in this respect as Hegel notes in the 1805–06 lecture outlines, “The same individual [*Einzelne*] cares about himself and his family, works, makes contracts, etc., and equally works also for the universal, has this as its goal. From that side he is called *bourgeois*, from this *citoyen*.”<sup>58</sup> On the margins, according to the editor, Hegel uses the alternate terms of *Spießbürger* (urban middle-class dweller) for the former and *Reichsbürger* (the citizen of the Empire) for the latter, adding that “one is a much more formal *Spießbürger* than the other.” If theories of natural right primarily deal with the person as citizen, the newly arisen, mainly British discipline of political economy, with whose study Hegel would increasingly occupy himself, deals with the person as self-interested bourgeois, or as the *homo economicus*. The big trial for the young Hegel was to reconcile these two aspects in such a manner that the particular interests desired by the bourgeois should not rule over the universal goals of the citizen. By paying attention to political economy and the key category of labor, with which he

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especially in Marx, see Giorgio Agamben, *The Time that Remains: A Commentary on the Letter to the Romans*, trans. Patricia Dailey (Stanford: Stanford University Press, 2005), 29–30.

<sup>56</sup> According to Ritter, the person is the child of the bourgeois society: “Hegel was the very first thinker in Germany to grasp that the emerging civil society, with its ‘accumulation of wealth’ and the ‘dependency and distress of a class bound to labor,’ would establish itself, precisely through the property relations associated with it, by transforming all previous historical relations.” Joachim Ritter, “Person and Property in Hegel's *Philosophy of Right* [§§ 34–81],” in Pippin, ed., *Hegel on Ethics and Politics*, 107.

<sup>57</sup> Riedel criticizes Lukács for putting the term in the young Hegel's mouth. *Between Tradition and Revolution*, 131.

<sup>58</sup> “Derselbe sorgt für sich und seine Familie, arbeitet, schließt Verträge usf. und ebenso arbeitet er auch für das Allgemeine, hat dieses zum Zwecke. Nach jener Seite heißt er *bourgeois*, nach dieser *citoyen*.” “Jenaer Realphilosophie (1805/06),” in *Frühe politische Systeme*, ed. Gerhard Göhler (Frankfurt a. M.: Ullstein, 1974), 266.

accounted for the nature of the society of the bourgeois, Hegel was already a big step ahead of the abstractness of the major theories of natural right.<sup>59</sup>

Hegel defines labor or work (*Arbeit*) thus, “The mediation whereby appropriate and *particularized* means are acquired and prepared for similarly *particularized* needs is *work*” (PR: § 196, 231).<sup>60</sup> These particular needs belong to the concrete persons, and it is the means provided by labor that mediates their satisfaction, hence the simplified addendum to the definition: “It is by the sweat and labor of human beings that man obtains the means to satisfy his needs” (PR: § 196A, 232). This mediation through work does not leave the nature of the needs intact, and herein lies one key function of the category of labor for Hegel’s theory of the person: “The universal and objective aspect of work consists, however, in that [process of] *abstraction* which confers a specific character on means and needs and hence also on production, so giving rise to the *division of labor*” (PR: § 198, 232). The satisfaction of needs is a social activity in the sense that by seeking to meet my needs I do not merely meet my own needs because the means to do so are already multiplied, complex, thus requiring the concrete works of other individuals. The essential moment in this view of preparing the means for satisfying needs is abstraction. The insight that I as a person am supposed to gain in pursuing my needs demands that I view the labored means to my ends as separated, absolved, from my own ends and attached to an entire context of a multiplied, diversified, and differentiated system of means. This system is abstract to the extent that it remains indifferent to my needs solely and specifically. It is supposed to be there for all other persons as well.

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<sup>59</sup> On the “greatness” of the 1805–06 lecture outlines Riedel remarks, “[T]hey free the social concept of modern natural law theory from the abstraction which had clung to it right up to Fichte. They achieve this by recalling it to the soil of political economy, or, to express it in a formula, by uniting Adam Smith and Rousseau.” *Between Tradition and Revolution*, 119.

<sup>60</sup> In a correspondence, Alex Horst drew my attention to the importance of the distinction between labor and work in Hannah Arendt. See *Human Condition* (Chicago: University of Chicago Press, 1958), 79–92, 118–125. Also, Marx in a footnote early on in *Capital*, discerns a fine distinction between the labor and work in English (see C: 137, n. 16).

The positive outcome of this abstract system of needs and labored means reflects back on the relations between the needful persons, turning into “a determination of the mutual relations between individuals.” It is hence that Hegel takes the decisive step to infer the principle of the universality in bourgeois society from the reality of labor: “This universality, as the *quality of being recognized*, is the moment which makes isolated and abstract needs, means, and modes of satisfaction into *concrete*, i.e. *social* ones” (PR: § 192, 229). Indeed, he goes so far as to claim that even needs are abstract thus social, they are not my needs alone (PR: § 191A, 229). Hegel is here implicitly working out a theory of socialized labor, borrowed from the Scottish and British political economists and absent from natural-right theories.<sup>61</sup>

Can we draw the historical nature of labor in Hegel through this social, universal nature of the system of needs and means, thereby the historical genesis of the person? Labor in itself does not constitute any historical specificity. Even Marx, the epitome of a historical thinker, is aware that as a negative and productive relation of man to nature, labor appears in all societies across ages.<sup>62</sup> For the category of labor to play a historically specific role, Hegel stresses the social division of labor, thereby assigning a political importance to it.<sup>63</sup>

Because of the complex nature of satisfying needs in the modern society, the division of labor arises leading to a variety of estates (*Stände*) which Hegel defines as “*particular systems* of needs, with their corresponding means, varieties of work, modes of satisfaction, and theoretical and practical education” (PR: § 201, 234). The three estates of the modern society

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<sup>61</sup> On the importance of Hegel’s theory of labor and his construction of the modern social world, see Giorgio Cesarale, “Hegel’s Notion of Abstract Labor in the *Elements of the Philosophy of Right*,” in *Hegel and Capitalism*, ed. Andrew Buchwalter (New York: State University of New York Press, 2015), esp. 89.

<sup>62</sup> “Labor, then, as the creator of use-values, as useful labour, is a condition of human existence which is independent of all forms of society; it is an eternal natural necessity which mediates the metabolism between man and nature, and therefore human life itself.” C: 133.

<sup>63</sup> On Hegel’s conception of labor and economic life in its points of convergence and divergence with regard to the classical politics of Plato and Aristotle, see Karl-Heinz Ilting, “Hegels Auseinandersetzung mit der aristotelischen Politik,” in *Hegel: Frühe politische Systeme*, ed. Gerhard Göhler (Frankfurt a. M.: Ulstein, 1974), esp. 776–774.

are that of agricultural workers or peasants, which is soil-bound and immediate in its relation to nature, the estate of trade and industry (*Gewerbe*), which is reflective or formal, and the universal estate of civil servants (PR: §§ 203, 204, 205, 235–237). In the Jena phase, we see two points of divergence from the tripartite system of the *Philosophy of Right*. First, Hegel distinguishes between the estate of industry (*Gewerbe*) and that of trade or commerce (*Kaufmannsstand*), which grow only to form one estate later on. The former consists of manufactures and craftsmanship, and the latter of merchants. If for the estate of industry, labor as a productive force is the central concern, in that of commerce: “The labor of the merchant is the pure exchange, neither natural nor artificial production and formation,” where the main concern is money as the most abstract yet material vehicle of exchange.<sup>64</sup> The second point of divergence lies in the manner that Hegel separates the estate of universality, that is, the body of civil servants working for the state, from the three “lower” estates. No such separation is at work in the *Philosophy of Right*. Both points, I believe, indicate the increasing importance of economic life for the later Hegel.

In both his Jena and Berlin phases, however, the second estate, that of the productive, industrial, manufacturing laborers, serves as the ground for leaving behind the immediacy of the soil and the agricultural mentality and stepping into the universal realm of freedom and relations of right. It is here that Hegel speaks of the bourgeois estate (*Bürgerstand*) or the estate of right (*Rechtsstand*).<sup>65</sup> He writes:

In the estate of trade and industry, the individual has to rely on himself, and this feeling of selfhood is initially connected with the demand for a condition in which right is upheld. The sense of freedom and order has therefore arisen mainly in towns. The first estate [the peasantry], on the other hand, has little need to think for itself: what it

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<sup>64</sup> Hegel, “Jenear Realphilosophie 1805–06,” in *Hegel: Frühe politische Systeme*, 274, 275.

<sup>65</sup> Hegel, “Jenear Realphilosophie,” 273, 272.

gains is an alien gift, a gift of nature . . . . The first estate is therefore more inclined to subservience, the second estate to freedom. (PR: § 204A, 237)

It is important to note how Hegel reverts to the concept of freedom in tight relation to labor in respect of the bourgeois estate. Up until now in the *Philosophy of Right*, the primary expression for the freedom of the person has been property: “The person must give himself an external *sphere of freedom* in order to have being as Idea. . . . Not until he has property does the person exist as reason,” for it is in virtue of property as an external thing that the person finds a sphere distinct from its own will, within which it can see its freedom actually realized (see PR: § 41, 73). Property is a legal category as it is the possession of a thing protected by the law. In Kant’s eyes, the bourgeois society is primarily the legal sphere of persons in possession of things that become rightfully theirs as they have come together under the legal rule of the state.<sup>66</sup> By setting in motion the economic category of labor as a constitutive aspect of freedom in bourgeois society, Hegel views this society as the sphere of persons *and* things. Besides property, labor is the other form of the externalization of the will. Labor as activity, glosses Ilting, “goes beyond the immediately given and present to realize the essential possibilities of the human being.”<sup>67</sup> In this respect, labor is absent from Kant’s doctrine of right. In Riedel’s illuminating words:

Hegel has grasped labour as the form of emancipation for modern society in which the individual is ‘formed’ to the freedom of legal personality. Labour’s ‘social character’ remains hidden both from classical politics (as a consequence of the fact that it ranks

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<sup>66</sup> Immanuel Kant, *Die Metaphysik der Sitten*, ed. Hans Ebeling (Stuttgart: Reclam, 1990), Division I, Part II, § 8.

<sup>67</sup> Ilting, “Hegels Auseinandersetzung mit der aristotelischen Politik,” 773. For a discussion of the concept of externalization (*Entäußerung*) and a philosophical discussion of labor in Hegel’s early works, see Lukás, *Der Junge Hegel: Über die Beziehungen von Dialektik und Ökonomie*, vol. 2 (Frankfurt a. M.: 1973), 495–565; Translated by Rodney Livingstone as *The Young Hegel: Studies in the Relations between Dialectics and Economics* (Cambridge, MA: MIT Press, 1975), 319–420.

moral action above production) and from modern natural law theory (as a consequence of its orientation to relations of will and contract).<sup>68</sup>

But not all kinds of labor are “the form of emancipation for modern society” with regards to the rise of individuals as legal personalities. Only socialized wage labor, not unpaid slave labor, provides that condition. Hegel, only in passing, points to this issue, first in the Abstract Right section, and then invokes the historical specificity of person-generating labor by discussing the category of labor in the Civil Society section of Ethical Life.

Hegel touches on the distinction between modern labor (“hired labor”) and slave labor in PR: §67. The core of the distinction brings up the category of temporality. While in hired labor I let others use my active capabilities and the products of my physical and mental skills “for a limited period” so that the totality and universality of my labor should remain intact and mine, slavery alienates “the *whole* of my time, as made concrete through work, and the totality of my production.” In this way, my entire personality becomes a property belonging to others.<sup>69</sup> Thus, only after having established the necessity of the person owning property and entering contract with other persons—both in terms of owning property and alienating one’s properties and products for limited use by others (see PR: § 65, 95)—Hegel could presuppose the existence of a mutually recognizable framework of laws in order for the category of labor in bourgeois society to acquire its full relevance. If we do not consider labor in this historically specific sense as I take Hegel to do, then the distinction between free labor as a modern phenomenon and the unfree, unpaid labor of slavery would fade away. This occurring, labor would fail to serve as a condition for “forming” individuals into persons, as Riedel noted,

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<sup>68</sup> Riedel, *Between Tradition and Revolution*, 122.

<sup>69</sup> The category of time in this sense, correlative with the concept of labor-power of a given society, would become key to Marx’s mature labor theory of value in the capitalist mode of production. See chapter one, § 3, of this dissertation.

because some would still remain laborers yet unfree because uncompensated and alienated from their own activity. Labor becomes such a condition provided only that all human beings should be free persons worthy of recognition for their labored contribution to the satisfying of social needs. It is through the laws of property and contract that the labor relations become externalized and posited as objectively valid. Ritter observes that modern society “raises freedom to a universal principle though that objectification [*Versachlichung*] of labor and every labor relation that ensures that skills and capabilities can be alienated as things or property only for a limited period. Modern society thus grants selfhood and its realization to the person intrinsically as personality.”<sup>70</sup>

Modern hired labor emerges as a historically specific category, therefore, in correlation with a legal framework ensuring the limited use of the products of one’s labor, or simply, in correlation with right. To fully articulate the genesis of the person in Hegel, these two aspects, politico-economic and legal, should be brought together into one unified account. The necessity of this bringing together reveals itself when considering that for Hegel, mere historical givenness, labor relations in our present case, does not justify the rightfulness of that which is the case. The genesis of the person in modern society is the outcome of a set of world-historical conditions that are wanting in justification, especially when this set of conditions are not even consistent in their character and validity. With the rise of free labor, slavery remained both de facto and de jure in place in many corners of the (western) world. Even though by the 1790s slavery had been banned in Europe, the northeast territories of North America, and the French colonies, only decades after Hegel’s death had it effectively

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<sup>70</sup> Ritter, “Person and Property,” 115.

vanished from French colonies (1848) and been legally abolished in American South (1865).<sup>71</sup>

If the genesis of personality for Hegel, to use Ritter's words, stems from "all the wealth of historically developed humanity,"<sup>72</sup> then this genesis abounds in contingencies and uneven developments. Unlike what Ritter and Riedel seem to suggest, Hegel does not subscribe to the historical givenness of an institution on the sole grounds of its being the law of the land or enjoying an overwhelming historical reality. Hegel's archenemy in this respect was Friedrich Carl von Savigny. Gierke testifies that the whole energy of modern German jurisprudence derives from the formulation by Savigny, "Is it now possible to understand the present time or actuality of an organic state other than through a connection with its past, i.e. in any other way but *genetically*?"<sup>73</sup> Savigny developed a theory of positive law, or posited right, relying on an origin or source that was internal to the positedness of the law itself and not in any external source such as human will or reason.<sup>74</sup>

Even though Hegel later in the *Philosophy of Right* notes that "In positive right, what is legal [*gesetzmäßig*] is therefore the source of cognition of what is *right*" (PR: § 212, 244), where he seems to be siding with the historicist school of the law, the more fundamental claim of the book states that, in the matters of right, "the human being must encounter his own reason; he

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<sup>71</sup> According to Alan Watson's definition, "Slavery is an institution that operates on economic, moral, social, and political levels . . . Slavery is the most extreme form imaginable of exploitation of one human being by another, but the exploitation need not always proceed in one direction." *Roman Slave Law*, 1. The idea of exploitation of one human being by another as, a "misfortune that could have happened to anyone" in Roman society, as a genus can, to use Hegel's language, take various forms with most various legal technicalities and fundamental principles. For example, unlike its American version in the South, Roman slave law was not based on race (xvii). Among its latest forms we can count what is called "modern slavery" protected by local laws and institutions in places like Dubai or the United States (the recent case of the immigration deportation camps).

<sup>72</sup> Ritter, "Person and Property," 116.

<sup>73</sup> "Ist es nun möglich, die Gegenwart eines Organischen Zustandes anders zu begreifen, als in Verbindung mit seiner Vergangenheit, d.h. anders als auf *genetische* Weise?" (emphasis added); qtd. in Otto Gierke, *Die historische Rechtsschule und die Germanisten: Rede zur Gedächtnisfeier des Stifters der Berliner Universität König Friedrich Wilhelm III* (Berlin: Gustav Schade, 1903), 7.

<sup>74</sup> On the concept of "immanent genesis," see Toews, John E. "The Immanent Genesis and Transcendent Goal of Law: Savigny, Stahl, and The Ideology of the Christian German State." *The American Journal of Comparative Law*, vol. 37, no. 1 (1989): 139–169.



must therefore consider the rationality of right, and this is the business of our science” (PR: Preface, 13A) Hegel immediately brings up the historical essence of this claim, “[T]he present-day world has a more urgent need of such an investigation, for in olden times there was still respect and veneration for the existing law, whereas the culture [*Bildung*] of the present age has taken a new direction, and thought had adopted a leading role in the formation of values” (PR: Preface, 14A). It is thus the force of thought that can enable the subject of right to see through the apparent nexus of authority and positedness the substantial nexus of all determinations of freedom as a whole, or what is right in its actual existence.<sup>75</sup> So, here thought itself acquires validity, it becomes culture, the order of the day, the currency of the present-day world, or at least in certain parts of western Europe since the French Revolution.<sup>76</sup>

In the rest of this chapter my task consists in showing the way by which Hegel brings together right and economy to resolve the personal antinomy, and he does so through his

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<sup>75</sup> Hegel notes in his lectures that “In the positive right, right is what is through or for the laws; in philosophical right, law is what right is, in it no law is the measure for the right” “Im positiven Recht ist Recht, was in den Gesetzen ist; im philosophischen Recht ist Gesetz, was Recht ist, in ihm ist kein Gesetz Maßstab für das Recht” (VNR 1818/19 § 8 A). When it comes to philosophy of right, as opposed to the positive science of right, the law does not serve as the (sole) source of recognition of right, even though the form of the law still offers one leg of its validity. Yet the content of the law cannot be taken for right just because it is posited in the form of a law. The clearest example of the relation between reasoning and reality of the posited laws is slavery. Then in the face of the reality of the legal institution of slavery, one can resort to the following simple syllogism:

Minor Premise: Slavery is the law  
Major Premise: All laws are posited right  
Conclusion: Slavery is right

This syllogism has a valid logical form, but the conclusion is obviously not true. I need not indicate a reference in the footnote to prove the falsity of the conclusion, but whence the self-evident character? The problematic nature of the syllogism relates to its major premise, that all laws are posited right. In Preface to PR, Hegel distinguishes between the laws of nature, which are “simply there and valid as they stand,” external and indifferent to us, and the laws of right, which though are equally simply there as posited and given to us, nevertheless in observing them “the spirit of reflection comes into play and their very diversity draws attention to the fact that they are not absolute” (PR: Preface, 13A). The laws are laid down before us but we do not stop short at their positedness and givenness. The human being “claims to have to have within himself the measure of what is right,” and, to use the language of Michael Kohlhaas, the human being has an “inner power” by virtue of which he or she can question the authority of the given, posited law.

<sup>76</sup> Thibaut, an important source of influence for Hegel’s philosophy of right, writes in a 1799 book on the logical interpretation of laws that if posited right was to be regarded and assessed only historically, without the intervention of reason, then “the certainty of right would thereby be undermined, and the universal scope of right rendered impossible” A.F. J. Thibaut, *Theorie der logischen Auslegung des Römischen Rechts*, 1799 (Altana: Johann Friedrich Hammerich, 1806), § 9, 27; see also 30–31.

theory of the state. I conclude by discussing the problem that stands in the way of reaching this resolution.

#### § 4 THE PERSONAL ANTINOMY AND ITS POLITICAL RESOLUTION

In a passage from the 1824/25 lectures series, Hegel writes, “The finite person is the needful person, and the infinite one is the right” (GW 26, 3: 1341–42).<sup>77</sup> The test of a philosophy of right consists in reconciling needs and right, the particular and the universal. The usefulness of this formulation is that the distinction between willing satisfaction of one’s needs and willing the universal right is reiterated in the form of distinguishing the finite and infinite aspects of the same phenomenon, the person. This helps us articulate the personal antinomy as a way of relating the formal structure of the person and its historical conditions of arising, which I laid down in terms of infinite self-relation and hired labor, respectively. The personal antinomy on account of its structural and genetic aspects, or its formal and real conditions, can be cast in this way:

THESIS: The person is an unconditionally free human being that knows itself in separation from any social status and physical or psychological condition. It thus grasps itself as an independent subject of rights.

ANTITHESIS: The person is a free human being only under the condition of the bourgeois society and hired labor. It knows itself by becoming a part of this society and thus grasps itself as a dependent subject of rights.

This is an antinomy because both assertions are independently true yet in conflict with one another insofar as the condition for the possibility of the thesis, the labor relation, makes the

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<sup>77</sup> “Die endliche Person ist die bedürftige, die unendliche ist das Recht.”

antithesis impossible from the perspective of the person. To grasp this conflict, the antinomy itself should be viewed from two standpoints, the practical standpoint of the personal subject, who sees only the appearance or semblance, and the theoretical standpoint of the philosopher, who sees the essence. In a bid to unify both, Hegel presents the state as the resolution to the antinomy. I examine the antinomy from both standpoints.

The contradiction between the two sides of the antinomy arises for, in bourgeois society, the needful person on its own does not afford insight into the universal realm of right by going beyond its own needs. The structure of the self-relating, independent, person excludes knowing oneself as structurally indebted to a realm beyond the ‘I.’ The concrete person in bourgeois society, “as a *particular* person, as a totality of needs and mixture of natural necessity and arbitrariness, is his own end” (PR: § 182, 220). This society is a place where the particular, the subjective, the personal as such has a right to exist. Particularity “in itself is boundless extravagance, and the forms of this extravagance are themselves boundless” (PR: § 185A, 223). Viewed sociologically, colorful needs, caprice, arbitrariness, selfish interests rule over civil society, and they are boundless in that there is no inherent condition preventing the persons from laying claim to the satisfaction of their needs, nor to the idiosyncrasy of those needs.<sup>78</sup>

Hegel calls the bourgeois society the “*world of appearance* of the ethical” (PR: § 181, 219) and refers to the Encyclopedia (§§ 64ff) for his discussion on the relation between the essence, here the ethical substance, and its appearance. To the person that considers itself self-

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<sup>78</sup> In respect of this individual arbitrariness, we can better understand Hegel’s recourse to the analogy of an disintegrated artwork in which the parts have gone their own way. Already during the Jena period, Hegel was well aware of the peculiarity of the modern, post-eighteenth-century society in which a beautiful whole is lost and the selfish singular individuals have claimed their absolute rights, “In the old times the beautiful public life was the custom [or the *Sitte*] of all, beauty [as] immediate unity of the universal and the singular, an artwork wherein no part severs itself from the whole but is this genial unity of self-knowing self and its representation. But, the singular individual who knows itself as absolute, this absolute being-in-itself, was not present.” *Jenaer Realphilosophie II: Vorlesungen von 1805/06*, ed. Johannes Hoffmeister (Leipzig: Felix Meiner, 1932), 251. The person does not immediately take into account the existence of an organic whole of which it is a part. He or she is primarily concerned with their own existence.

sufficiently pursuing his or her interests—and this is a right that for Hegel the modern world grants to the particular person to “develop and express itself in all directions” (PR: § 184, 221)—the universal, that is, the sphere in which all other subjects feel entitled to pursue their own interests and needs and deserve being regarded as persons, *appears* as a mere means. The person takes them as “*links* in the chain of this *continuum*” or nexus (*Zusammenhang*) of relations in bourgeois society, not seeing yet the substantiality of the nexus. In Marcuse’s words, “[T]he freedom of each individual was pitted in life-and-death competitive struggle against that of every other.”<sup>79</sup>

Yet, from the perspective of the philosopher of right, bourgeois society is not just a means to the ends of the single person, but he or she “stands essentially in *relation* to other similar particulars, and their relation is such that each asserts itself and gains satisfaction through the others, and thus at the same time through the exclusive *mediation* of the form of *universality*” (PR: § 185A, 223). We already discussed the category of labor in Hegel. The actual function of this category for his philosophy of right, however, fully manifests itself here: it is to facilitate the relation between the particularity of the persons and the universality of right relations in bourgeois society. Being occupied in professions helps the persons gain insight into the social character both of their needs and of the means to their satisfaction: “By a dialectical movement, the particular is mediated by the universal so that each individual, in earning, producing, and enjoying on his own account, thereby earns and produces for the enjoyment of others” (PR: § 199, 233) The outcome of this interdependence of individuals through labor is the “universal and permanent resources,” a source of shared fruits of social labor. This makes for a fundamental assumption on Hegel’s part, namely, that labor does indeed help

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<sup>79</sup> Marcuse, *Reason and Revolution*, 170.

modern individuals to see the vital urgency of collaboration for a collective enjoyment of the resources. From here Hegel takes short steps to arrive at the existence of the state.<sup>80</sup>

This is how Hegel defines the state in its function as the resolver of the two contradictory aspects of the person:

The state is the actuality of the ethical Idea—the ethical spirit as substantial will, *manifest* and clear to itself, which thinks and knows itself and implements what it knows in so far as it knows it. It has its immediate existence in *custom* and its mediate existence in the *self-consciousness* of the individual, in the individual's knowledge and activity, just as self-consciousness, by virtue of its disposition, has its *substantial freedom* in the state as its essence, its end, and the product of its activity. (PR: § 257, 275)<sup>81</sup>

The two standpoints noted above manifest themselves in this passage: The knowledge and activity of the individual, its self-consciousness, on the one hand, and on the other, the custom or ethical life, the source of what is posited as right. The individual is supposed to will the ethical in order to gain substantial freedom. This is to fulfil the condition of the unity of form and content in the matters of the free will. If the form belongs to the person, the content is

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<sup>80</sup> All Hegel's lectures on philosophy of right between 1818 and 1825, as well as the Objective Spirit part of the Encyclopedia (1827 and 1830), essentially follow the same principle of organization of chapters as laid down in the PR. A schematic view of the structure of the book helps grasp the place of work in its path to the estate:

Part One: Abstract Right

Part Two: Morality

Part Three: Ethical Life

Section 1: Family

Section 2: Civil Society

A. The System of Needs [§§ 189–208]

a. The Nature of needs and their Satisfaction

b. The Nature of Work

c. Resources

B. The Administration of Justice

C. The Police and the Corporation

Section 3: The State

<sup>81</sup> “Der Staat ist die Wirklichkeit der sittlichen Idee—der sittliche Geist, als der *offenbare*, sich selbst deutliche, substantielle Wille, der sich denkt und weiß und das, was er weiß und insofern er es weiß, vollführt. An der *Sitte* hat er seine unmittelbare und an dem *Selbstbewußtsein* des Einzelnen, dem Wissen und Tätigkeit desselben, seine vermittelte Existenz, so wie dieses durch die Gesinnung in ihm, als seinem Wesen, Zweck und Produkte seiner Tätigkeit, seine *substantielle Freiheit* hat.”

provided by the actual relations of right materialized in the state. These two standpoints are unified here by stating that the latter, the ethical, is the end and the product of the former, the personal will.

Hegel stresses that the state is only indirectly, mediately, present in the knowledge and activity of the individual. He or she still wills its own interests and pursues its own ends. The individual cannot be forced to will the universal, except through following the externally posited laws but not the ethical life itself, which would contradict the modern principle of infinitely free subjectivity so essential to Hegel's position. The only thing that is present in the individual vis-à-vis the state is a *Gesinnung* or disposition. Through education, theoretical (thoughts and concerns) and practical (skills), the individual is to dispose or orient itself towards the state, to be concerned with the state. (See PR: § 187A, 226)

This, however, is an insufficient justification of the state for it still follows the logic of civil society and the right to property. From the standpoint of the person, notes Hegel, "the individual . . . finds that, in fulfilling his duties as a citizen, he gains protection for his person and property, consideration for his particular welfare, satisfaction of his substantial essence, and the consciousness and self-awareness of being a member of a whole," namely the state (PR: § 261, 285). The problem here is that the person still regards the whole as a means to his or her own ends, which justifies only the thesis of the antinomy: the person is independent and self-determining. The person does not reach the point of view of universal freedom for it does not see its true reason. We need a standpoint that breaks with the conception of freedom as owning property, satisfying needs, and pursuing private life plans by *means* of other persons and laws.

The state must then separate itself from the aggregation of needy persons in civil society to form a higher standpoint: "If the state is confused with civil society and its determination

is equated with the security and protection of property and personal freedom, *the interest of individuals as such* becomes the ultimate end for which they are united” (PR § 258, 276). This means that bourgeois society on its own cannot reach a unity capable of realizing human freedom.<sup>82</sup> If earlier, with regard to the estates, Hegel had said that the individual has real existence only when he or she is the member of the estates, here he maintains that “it is only through being a member of the state that the individual himself has objectivity, truth, and ethical life,” where he or she can “lead a universal life” (PR: § 258, 276) The antinomy of the self-determining, independent, infinitely free person that is at once wholly dependent and finite thus resolves itself in the unity of “objective freedom” and “subjective freedom.” Concretely, for Hegel, this unity consists in “self-determining action in accordance with laws and principles based on *thought* and hence *universal*” (ibid.)

The necessity for the state to set itself apart from the society of laboring persons makes both for the originality of Hegel’s political thought and at once for one of its gravest problems. Hegel had remarked that the unity of the infinite and the finite in the constitution of the person, the harmony of both, is possible only in the rational, that is, the person on its own cannot arrive at it (See GW 26, 3: 1113–14). The standpoint of the rational, therefore, is not accessible to the individual. It requires deduction. The difficulty involved in the theory of the state best expresses itself here.

Philosophy for Hegel, notes Marquard, is an “inquiry into mediation” (“Vermittlungsforschung”); its task is “to look into seemingly mere givens as such means, as mediation.”<sup>83</sup> In this respect, the genetic conditions for the rise of the person—the bourgeois

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<sup>82</sup> On the need for the state to be separate from the logic of self-interest in civil society, see See Shlomo Avineri, *Hegel’s Theory of the Modern State* (Cambridge: Cambridge University Press, 1972), 134. Cf. Karl Löwith, *From Hegel to Nietzsche: The Revolution in Nineteenth-century Thought*, trans. David E. Green (New York: Holt, Rinehart and Winston, 1964), 236.

<sup>83</sup> Odo Marquard, *Schwierigkeiten mit der Geschichtsphilosophie: Aufsätze* (Frankfurt am Main: Suhrkamp, 1973), 42.

society, hired labor, contract, estates, corporations, the administration of justice and finally the state—are neither abstract categories that “ought to” be realized, nor merely given historical circumstances taken on their face. They need to be justified and proven with regard to their necessity for the subject matter of Hegel’s *Philosophy of Right*, namely, right as the realm of realized freedom in the modern world. According to Marquard, Hegel’s main critique of the transcendental philosophies of Fichte and Kant, whence the philosophical operation of deduction originally derives, pertains to their refusal “to link the universal ends, that is, the ends related to freedom, to the realization process of their mediation, and thereby to link the ought to reality.”<sup>84</sup> As long as the means for realizing freedom is missing, any talk of freedom, universality, personality, right, would remain irrelevant, abstract, and ungrounded. A Hegelian philosophical deduction, therefore, is an attempt to prove that freedom is realizable under the condition of bourgeois society, but bourgeois society is no longer associated with economic life and relations of labor here. A higher standpoint is needed if the universal life must be held as a real possibility. It must be a philosophical standpoint. Hegel’s famous dictum, “[P]hilosophy . . . is *its own time comprehended in thoughts*” should be understood in this sense (PR: Preface, 21).

Hegel’s reference to the decisive importance of deduction in philosophy occurs, in the transition from Part Two: Morality to Part Three: Ethical Life.<sup>85</sup> Deduction is the philosophical proof of the truth of freedom as what is real and for which the actual conditions are available, the sum of which Hegel captures under “Ethical Life.” This life is no longer directly available to the individual. The individual sees only family and civil society, knowing only legal rights

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<sup>84</sup> Marquard, 44. On the same point, see Ritter notes that the *Philosophy of Right* “forgoes any attempt to provide an immediate deduction of the principles of law or right from ideas. Once freedom has itself become the concept of right, the task is to grasp the former no longer simply in its state of potentiality, but rather in its actualization.” “Person and Property,” 105.

<sup>85</sup> Cf. Marquard, *Schwierigkeiten*, 159–160, n. 24.



and moral duties. The state remains a realm far removed. In the first two parts of the book, *Abstract Right and Morality*, the free human being is viewed first as the legal person and then as the moral subject. The former solely concerns itself with one's rights and primarily in the form of owning property. The latter through self-reflection becomes aware of this very right as the good. However, both are one-sided because both "constitute themselves as independent totalities" (PR: § 141, 185). Though both figures gain insight into others and develop a sense of relations between all persons or subjects, one through the legal recognition of contract and the other through conscience, they remain abstract, that is, separated from what grounds them and makes them possible. Instead of simply receiving the reality of bourgeois society as the realm of persons, needs, contracts, and products, Hegel points to the fact that such a realm already presupposes the existence of the state.<sup>86</sup> If the passage on the definition of the state quoted earlier declares that the state as the realized ethical whole only has mediated existence in the persons, this occurs through the persons' "particular satisfaction, activity, and mode of conduct" the point of departure and the result of which rest on the "substantial and universally valid basis" of the state (PR: § 258, 276). In other words, the state's presence imposes itself only in the realm of practice, not in the direct self-consciousness of the persons as they remain concerned with their own self-satisfaction and life plans. The state as the resolution to the personal antinomy exists behind the back of the personal activity, as it were. To place the problem in a sharper light we should consider an even graver difficulty involved in Hegel's conception of the sphere of bourgeois society that causes its resistance to any systematization.

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<sup>86</sup> Earlier in the book Hegel makes the following methodological remark on the place of bourgeois society vis-à-vis the state: "Bourgeois society . . . intervenes between the family and the state, even if its full development occurs later than that of the state, . . . it presupposes the state, which it must have before it as a self-sufficient entity in order to subsist itself." PR: § 182A, 220.

Interpreters of Hegel have taken notice of his sensitivity, exceptional among the generation of the German Idealists, to the phenomenon of poverty in bourgeois society. His reference to the rabble that has the “lowest level of subsistence” (PR: § 244, 266) testifies to that. Poverty can follow the person’s own failure to provide for themselves. Yet, there are other forces at work, too: “Not only arbitrariness, however, but also contingent physical factors and circumstances based on external conditions may reduce individuals to *poverty*. In this condition, they are left with the needs of civil society and yet . . . they are more or less deprived of all the advantages of society,” from skills and education to the administration of justice and even “the consolation of religion” (PR: § 241, 265). As a concentrated mass of the poor people,<sup>87</sup> the rabble thus profoundly problematizes the transitions both from being a human to personality, and from the society of persons as bourgeois to the society of persons as citizens. The members of the rabble cannot become part of an estate, they form instead, as Ruda puts it, an un-estate—or a class without rights and duties in Wood’s words—thereby being rendered incapable of participating in the universal life of the state.<sup>88</sup>

At the same time, however, Hegel shows a philosophical insensitivity to the phenomenon of the urban rabble. This follows from his insistence on the existence of a rationality in the realm of boundless needs where there is an understanding shared by the modern needful persons according to which the satisfying of the needs and ends of one person accords to those of others. The modern science of political economy for him addresses the “conciliatory effect” of this rationality (PR: § 189, 227). This axiomatic conviction on Hegel’s part qualifies

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<sup>87</sup> Allen Wood, *Hegel’s Ethical Thought* (Cambridge: Cambridge University Press, 1990), 251; see 252–255, 284, 290.

<sup>88</sup> See Frank Ruda, *Hegel’s Rabble: An Investigation Into Hegel’s Philosophy of Right*, trans. (London: Continuum, 2011); Wood, *Hegel’s Ethical Thought*, 253. For a concise and illuminating take on the place of the rabble and the difficulties that it generates in Hegel’s philosophy of right, see Yitzhak Y. Melamed, “Leaving the Wound Visible: Hegel and Marx on the Rabble and the Problem of Poverty in Modern Society,” *Iyyun: The Jerusalem Philosophical Quarterly* / רבעון פילוסופי 50 (January 2001): 23–39. Published by: S. H. Bergman Center for Philosophical Studies.

him as a bourgeois thinker who believes that the private needs and capricious ends of bourgeois society somehow fall into place in the form of a “system of needs,” as was the case in his Jena phase. Even though he refrains from using the term “the system of needs” in his late works, the conviction remains with him in the form of the state. The key difference is that in the Jena phase the system of needs was first held to be one with the life of the people or nation (*Volk*) and then later with the existence of a constitution or governance, while in the Berlin phase this system finds its ground in the separated realm of the state.<sup>89</sup>

A fundamental critical point made on Hegel’s theory of the state from a Marxist perspective relates precisely to such a conciliatory rationality in settling the conflicts of bourgeois society. Lukács calls it Hegel’s idealism in economics. The following 1859 statement by Marx quoted by Lukács sums up what is at stake here, “To observe society as *one* singular subject is to observe it moreover falsely; speculatively.”<sup>90</sup> The only alternative to the existence of a single ideal subject organizing the bourgeois society into a system of needs would be to regard this society from the perspective of a clash between multiple real subjects, not to resolve the contradiction in thought or ideally.<sup>91</sup> Speculative is an apt description of the state as the resolution to the antinomy. For Hegel, speculative is the opposite of dogmatic thinking. Whenever we have two opposed assertions, a dogmatic thinking declares that “one must be *true*, and the other *false*,” thus adhering to “one-sided determinations of the understanding

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<sup>89</sup> In the 1803–1804 lectures outlines Hegel speaks of the “spirit of the people” (“*Volksgeist*”) as the “absolutely universal element, the ether, . . . the absolute, simple, living, singular substance,” an constantly active substance that goes beyond the consciousness of the individuals. *Frühe politische Systeme*, 327–328. Later, in the 1805–1806 lectures outlines, he refers to the existence of a governing (“*Regierung*”) that is the “absolute self and negativity of the individuals . . . the zenith of the whole.” 297. For a discussion of the difference between these lectures outlines and the rise of the concept of the state as a separate realm from the society, itself a new concept for Hegel, see Riedel, *Between Tradition and Revolution*, 124–125. On the Spinozist conception of the substance at work in Hegel’s early political thought, see Iltis, “Hegels Auseinandersetzung mit der aristotelischen Politik,” 775–781.

<sup>90</sup> Georg Lukács, *Der Junge Hegel*, 567: Of course, more than a decade prior Marx had already raised the same objection with regard to the state as a unifying ideal subject viewed as existing above the processes of civil society. See “Kritik des Hegelschen Staatsrechts,” MEW 1: 224–225.

<sup>91</sup> On Marx’s understanding of the speculative, see, MEW 1: 235.

whilst excluding their opposites.” (EG: § 32, § 32A). If the infinite or the finite, or self-relation and labor relations, constitute two determinations of personality, or, rather, if in the case of the state, being a separated realm and being entangled in bourgeois society fashion opposed determinations of the state, then a speculative standpoint in virtue of “being a totality” contains both determinations “that dogmatism holds to be fixed and true in a state of separation from one another.” If that is a speculative strategy, namely, to reach a standpoint from which the opposed determinations that the person encounters finds an ideal settling, then a certain Marxist streak of thought remains non-speculative, dogmatic, and finite for it refuses to resolve the oppositions between the determinations of its subject matter in thought alone.<sup>92</sup>

The outcome of the Marxist critique is the non-speculative imperative that to understand the nature of modern society one must consider the nature of conflicts in the relations of labor and production and not in those of right as a realm transcendent to those relations. In this way, however, the figure of the person would lose all its relevance, surrendering its explanatory significance in the face of structural, impersonal forces dominating the social world beyond the will of the individual subjects. In virtue of its genetic determination, the person would thus relapse into its original meaning as a mask for economic relations and categories.<sup>93</sup>

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<sup>92</sup> Hegel writes, “Thinking is only finite insofar as it stays within restricted determinations, which it holds to be ultimate. Infinite or speculative thinking, on the contrary, makes determinations likewise, but, in determining, in limiting, it sublates this defect again. Infinity must not be interpreted as an abstract, ever-receding beyond.” EG, § 27 A. On speculative thinking in Hegel, see Stephen Houlgate, *The Opening of Hegel’s Logic: From Being to Infinity* (West Lafayette, Indiana: Purdue University Press, 2006), 64, 93–98.

On substituting the analysis of systems other than the Hegelian state in the subsequent developments of modern social theories, from Marx to Luhmann, see Jürgen Habermas, *Faktizität und Geltung: Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaats* (Frankfurt am Main: Suhrkamp, 1998), 62–78.

<sup>93</sup> When discussing the Process of Exchange in capitalist mode of production, Marx writes of commodities in exchange and the place of the persons with regard to them, “In order that these objects may enter into relation with each other as commodities, their guardians must place themselves in relation to one another as persons whose will resides in those objects, and must behave in such a way that each does not appropriate the commodity of the other, and alienate his own, except through an act to which both parties consent. The guardians must therefore recognize each other as owners of private property. . . . Here the persons exist for one another merely as representatives and hence owners, of commodities.” C: 178–179.

Does this critique suggest that the theory of the state as a necessarily separate realm from society is a mere metaphysical extra to an otherwise plausible theory of bourgeois society dominated by economic self-interests? How are we to treat the abrupt jolt by which the transition from a presupposed set of historical conditions to the separate realm of the state as a pure concept takes place?

Hegel's desideratum for philosophical deduction, that it should infer the justification of a concept from the actual means or mediation of its realization, calls for reflecting on this relation between the rational and the historical. A sign of the difficulty faced by Hegel to move from the differentiated spheres of civil society to the universal realm of the state shows itself when he stresses that a philosophy of right has no interest in the "*historical* origin of the state in general," nor in any particular state. He could not be more clear on the question of genesis:

[W]hether it [the state] first arose out of patriarchal conditions, out of fear or trust, out of corporations etc., or how the basis of its rights has been understood and fixed in the consciousness as divine and positive right or contract, habit, etc. In relation to scientific cognition, which is our sole concern here, these are questions of appearance, consequently a matter for history. . . . The philosophical approach deals only with the internal aspect of all this, with the *concept as thought*.<sup>94</sup> (PR: § 258, 276)

The reservation on Hegel's part would be plausible had he not already, in establishing right, taken his point of departure from a set of given historical conditions. As discussed the § 3 of

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Marx also refers to individuals as "personifications of economic categories, the bearer of particular class-relations and interests." This is true even for the capitalist himself as the personification of capital. *Capital*, 92. Adorno takes up this issue and Marx's words in the *Negative Dialektik* in order to make the point that the modern society in virtue of the predominance of economic relations has absolved itself from the individual subjects, having turned them into its "mere executors." GS 6: 299–300. The result is a universality that realizes itself above the "heads of the subjects." 347.

<sup>94</sup> In this respect, Rozenzweig's insight cuts to the heart of his project. where he speaks of a double countenance or *Doppelantlitz* in the political philosophy of Hegel's time as manifested in two main eighteenth-century sources of influence on Hegel: Montesquieu and Rousseau. The former had an empirical passion for the treasures of laws from various nations, while the latter was invested in an ideal of state. One was interested in experience, the other in concept: "To unify the double countenance, to transform the deviations of the two directions of view into a coming-together, became the work of the nineteenth century." *Hegel und der Staat*, 25.

this chapter, Hegel took the point of departure of his discussion of personality from the objectified relations of property and hired labor in modern bourgeois society, in its most developed form available to Hegel since the French Revolution. But now, when it comes to the state as the true universal sphere, he makes a leap from the “stage of difference” of bourgeois society to the “Idea” of the state independent of that society, or of any other historical origins for that matter. Therefore, the personal standpoint and the philosophical standpoint fail to be brought together precisely because in the former the facticity through the relations of hired labor plays a decisive role while in the latter it is absent.

The above passage clearly suggests that the state for Hegel holds a double stance: It is both caught up in the turmoil of historical situation and the contingent forces of bourgeois society and, at the same time, it is a subject that has managed to separate itself from that turmoil, emerging speculatively as a “*deus ex machina*” to resolve the clash of particularities of economically driven society.<sup>95</sup> In his proposal to settle this problematic, Moyar gives much weight to “the historical rise of the reformed religious conscience that secures the subjective conditions for holding together the universal and particular purposes.”<sup>96</sup> Through a systematic account of the place of conscience in Hegel’s ethics, Moyar attempts, in my view, to resolve the conflict of the needful dependent person and the infinite independent person, that is, the moment of particularity in the individual and its moment of universality primarily from the standpoint of subjectivity and subjective responsibility. In doing so, Moyar has an urgent task to carry out: refuting the view that Hegel’s state is detached from the society of the individuals

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<sup>95</sup> [I]n order to relax its grip, society requires a *deus ex machina* which binds necessity and chance together in a law. This law [*Gesetz*] which settles the social antagonisms and once again mediates the movement of the whole with itself and with the movement of the individuals is for Hegel *The State*.” *Between Tradition and Revolution*, 125.

<sup>96</sup> Dean Moyar, *Hegel’s Conscience* (Oxford: Oxford University Press, 2011), 184.

and yet that the individuals have a duty to the state if they are to succeed in fulfilling their own interests.<sup>97</sup>

As discussed earlier in this chapter, such a view of the person-state relationship would defeat the very rationale for the place of the state in Hegel's system. The state is not there merely to satisfy the needs of isolated individual. It is to secure the reconciliation of many particularities to the possibility of universal life. Moyar's focus on such apparently quite non-Hegelian concept as conscience serves to work out a plausible relation between the individuals and the state in a manner avoiding atomism. Doing so from "the side of the subject,"<sup>98</sup> however, tends to overlook the objective obstacles in the way of all individuals becoming persons and moral subjects with conscientious responsibility. We saw in the case of the rabble that the economic life of bourgeois society can pose serious threat to the realization of universal or concrete freedom.

I believe that Hegel's failure to offer a real resolution to the personal antinomy as we discussed above precisely points to his success in exposing the essential problematic of modern bourgeois society. If a real resolution is to be found, the two sides of the matter at hand, the particular and the universal, must be preserved in their full tension. Later theories of the bourgeois state in the Marxist tradition with categories such as the "relative autonomy of politics" give testimony to a problematic that Hegel's speculative philosophy of right had clearly discerned.<sup>99</sup> I conclude this chapter by proposing a reading of the double stance of the Hegelian state in respect of the personal antinomy and the stated goal of universal life. To do

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<sup>97</sup> See Moyar, 191–197, see also 81–110 on the detachment problem.

<sup>98</sup> Moyar, 193.

<sup>99</sup> I discuss this issue in chapter four. Apart from Marx's own theory of the state in *The Eighteenth Brumaire of Louis Bonaparte*, Lenin, Althusser, Polantz, Gramsci, Lefort, Mouffe and Laclau and the entire streak of the so-called Post-Marxism have made efforts to do justice to the separateness of the state from, and its entanglement in, the capitalist society.

so I consider the place of world history in Hegel's theory of the state, proposing to regard the formal structure of the state together with that of the person.

## THE STATE AND WORLD HISTORY

Early on in the reception of *Philosophy of Right*, Hegel's theory of the state had been criticized precisely on account of what Hegel takes to be its strong point according to the long passage on historical origins of the state quoted above. Arnold Ruge complains thus:

To take the state as absolute and to disjoin it from history is not possible because every concept of the state and in general every determinate philosophy is itself an historical product; but it is also impossible to conceive of the state-constitution, i.e., the determinate state, as an eternal form because the determinate state is nothing other than the existence of the Spirit in which the latter realizes itself *historically*.<sup>100</sup>

Why does Hegel need to disjoin—*loslösen* in Ruge's choice of verb—the state from history, if he does it at all? One could show that Ruge both missed the point about the nature of Hegel's idea of the state and yet was justified in his critique: Hegel's state has to negate its historical genesis to claim its independent, universal individuality free from such and such set of circumstances, and yet it is bound up with world history in its relations to other states. The answer to the above question can be found in the structural affinity between the state and the person. In this regard, the three moments that Hegel isolates in the Idea of the state as the

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<sup>100</sup> "Den Staat absolut zu nehmen und aus der Geschichte loszulösen ist schon darum nicht möglich, weil jeder Begriff von ihm und überhaupt jede bestimmte Philosophie selbst ein geschichtliches Erzeugnis ist; aber es ist auch darum unmöglich, die *Staatsverfassung*, d. h. den bestimmten Staat, als eine ewige Form zu fassen, weil der bestimmte Staat nichts anderes ist als die Existenz des Geistes, in welcher dieser sich *geschichtlich* verwirklicht." "Der Hegelsche Rechtsphilosophie und die Politik unsrer Zeit. Erster Artikel (1842)," in *Die Hegelsche Linke: Dokumente zu Philosophie und Politik im deutschen Vormärz*, ed. Heine and Ingrid Pfefferle (Leipzig: Reclam, 1985), 458; translated into English as "Hegel's 'Philosophy of Right' and the Politics of our 'Times,'" in *The Young Hegelians: An Anthology*, ed. Lawrence S. Stepelevich (Cambridge: Cambridge University Press, 1983).



concluding section of the last, third part of the book correspond to the three moments we identified in our discussion of Hegel's view of the person:

### Section 3: The State

- A. Constitutional Law: The state as a self-related organism
- B. International Law: The relationship of the individual state to other states
- C. World History: The state as the universal Idea, as a genus (see PR: § 259, 281)

The A and B moments correspond, respectively, to the formal structure of the person, where the subject relates itself to itself unmediated by any conditions or qualification to grasp itself as the individual 'I,' and its genesis, where the relation between many individuals persons in the bourgeois society is organized through hired labor, property relations, and sharing the resources. As a concept, the state must have the moments of individuality and particularity.

For Hegel, the state as a concept that is real and actual includes both moments of individuality (*Individualität* or *Einzelheit*) and particularity (*Besonderheit*) so that it is not only *one* individual state ("states as such are independent from one another," PR: § 259A, 282) but it is this or that, or such and such, specific state at once, a suchness that manifests itself in the differences between the laws, constitutions, modes of administration of forces and resources. This particularity makes for the immediate reality of the state as an organization or rather organism that relates itself to itself. Particularity belongs to history, notes Hegel, while individuality belongs to the idea of the state (*ibid.*). So far as the moment of individuality goes, both the state and the person as self-related unities are absolutely independent because separated or absolved from any condition interfering with their becoming a unity. The state has to separate itself from all concrete conditions and become abstract just as the person had to elevate itself above all particular physical, psychological, and social conditions in order to grasp itself as the independent 'I.' In a political remark on how in spite of all its deficiencies

there remains an affirmative aspect in the concrete life of any state, Hegel likens the latter to “the ugliest man, the criminal, the invalid, or the cripple” who is “still a living human being.” (PR: § 258A, 279).

Yet, once it has become such a unity, both the state and the person, viewed externally, turn into a specific unity beside other specific unities differently constituted. If previously the command of right declared, “Be a person and regard others as a person” (PR: § 36, 69), here the command addressed to the nations or peoples would be, Be a state and regard others as a state: “In its initial stage, a nation is not a state, and the transition of a family, tribe, kinship group, mass [of people], etc. to the condition of a state constitutes the *formal* realization of the Idea in general within it” (PR: § 349, 375). For Hegel, unlike the Romantics, the people (*Volk*) on its own does not constitute any political and thus ethical community. It first needs to formalize itself in the form of the state in order to acquire the status of a realized ethical life.<sup>101</sup>

Personality was also the formal realization of human freedom, the resolution to the antinomy of being free yet embodied and embedded. This resolution could be offered in virtue of the existence of the relations of right protected and validated through the state. We saw that in order for the person to endure the conflict between its absolute independence and its actual dependence, the state must have already been in place as a realm separated from the contingencies of bourgeois society. Now the state itself undergoes the identical antinomian difficulty when considered in its relation to other states. Hegel writes:

“States function as *particular* entities in their mutual relations, the broadest view of these relations will encompass the ceaseless turmoil not just of external contingency, but also of passions, interests, ends, talents and virtues, violence, wrongdoing, and vices in their inner particularity. In this turmoil, the ethical whole itself—the independence of the state—is exposed to contingency.” (PR: § 340, 371)

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<sup>101</sup> Walter Jaeschke, *Hegel-Handbuch: Leben, Werk, Schule* (Stuttgart: Metzler, 2010), 390.

It is here that the C moment, World History, the last step in the *Philosophy of Right* asserts its right, which is “the highest” in the hierarchy of rights from that of the person to contract to the state. World history, or mundane history,<sup>102</sup> as the stage of awe-inspiring turmoil must hold the highest right for there exists no standpoint other than that to adjudicate the tensions between equally self-standing unities of the particular states. World history has to be the world court of judgment. Yet, there is no norm or constitution available to this court under which to subsume particular cases of conflict; its sole norm is its deed alone. Here the concept of spirit for Hegel plays its most useful role. This will take us beyond the systemic scope of the objective spirit in Hegel and onto that of the absolute spirit, a direction that this chapter refuses to take.<sup>103</sup> The key point to make here is that even the independence of the state as the reality of the ethical life is susceptible to the “contingency” of a realm over which the individual state has no control. The persons are immune against such a vociferous turmoil of history that directly besets the states and only indirectly the persons. They are supposed to enjoy the secured universality of the inner space of one state if they are to sustain their self-related, unconditionally free individuality.

The distinction of inner- and outer space of the state can be useful for shedding light on a more plausible resolution to the personal antinomy, the interest in solving which was universal life. To set in motion this distinction, let us note the main theoretical concern behind Arnold Ruge’s critique of Hegel’s theory of the state, one shared by the so-called Left-Hegelian voices of Ruge’s generation in the pre-March period in Germany: politics. He opens his critique of

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<sup>102</sup> Livio Sichrollo, “La ‘Weltgeschichte’ (§§ 354–360) della *Filosofia del dritto*,” in *Logica e storia in Hegel*, ed. R. Racinaro and V. Vitiello (Napoli: Edizioni Scientifiche Italiane, 1985), 42.

<sup>103</sup> For the ambiguity in the function of the concept of “world history” with regard to the state in Hegel, that is, world history as the realm of the spirit and world history as the process of making the state, see Jaeschke, *Hegel-Handbuch*, 403.

Hegel thus, “Our time is political, our politics wants the freedom of this world. We no longer build on the church-state, but on the worldly state, and interest in the public essence of state freedom grows with every breath of the humanity.”<sup>104</sup> “Politics” serves as a mark distinguishing Hegel’s generation from that of the 1840s. Indeed, there is scarcely any mention of politics in Hegel that rivals the usage that Ruge applied to it. *Politik* for Hegel denotes the theoretical science of the relation between the natural rights and the state.<sup>105</sup> For Ruge, the term works differently, that is, strongly performatively. It indicates active participation in public (*öffentlich*) life on the one hand and passionate interest not only in history but in the lives of the foreign states. A characteristic of the new political age for Ruge is that people have become curious about what is going on in other European countries, finding those developments of importance and of resemblance to domestic German life.<sup>106</sup> Moreover, he refers to an historical interest that is to define the politics of the future. This is a stance against what Ruge calls the metaphysical idea of the state in Hegel to be supplemented with the business of criticizing the historical forms of the state of freedom, which is again a political activity.<sup>107</sup> Political sense for him equals a state-making pathos.<sup>108</sup> through public, critical, historical engagement of the citizens, which is different from the political sentiment in Hegel as merely patriotism.<sup>109</sup>

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<sup>104</sup> “Unsre Zeit ist politisch, unsre Politik will die Freiheit dieser Welt. Wir bauen nicht mehr am Kirchenstaat, sondern an dem Weltstaat, und das Interesse an dem öffentlichen Wesen der Staatsfreiheit wächst mit jedem Atemzüge der Menschheit.” Arnold Ruge, “Der Hegelsche Rechtsphilosophie und die Politik unsrer Zeit. Erster Artikel,” 443.

<sup>105</sup> Some of the few instances of the appearance of political or politics in the *Philosophy of Right* include PR: § 257, 275: *politische Tugend* (virtue); PR: § 267, 288: *politische Gesinnung* (disposition), *politische[r] Staat*; PR: § 268, 288, *politische Gesinnung* as patriotism; PR: § 337, 370: *Politik*, in a discussion of the clash between the state and morality;

<sup>106</sup> Ruge, 444.

<sup>107</sup> Ruge, 462–463.

<sup>108</sup> “staatenbildnerische Pathos,” Ruge, 470.

<sup>109</sup> For a concise discussion of Ruge’s views, see Karl Löwith, *From Hegel to Nietzsche*, 82–91.

The dual interest of politics for Ruge—in foreign countries and in history—clearly goes beyond the boundaries of the state within which alone Hegel treats of persons. Persons become political, therefore, when they participate in history in separation from the universality of the individual state. In other words, the presence of the person on the state of history is no longer strictly mediated by the state. It is interesting to note, as Lukács does, that the social and historical horizon of Hegel himself extended far beyond the development of Germany at the time and into the French political revolution and English industrial one.<sup>110</sup>

The clamorous turmoil of contingencies in world history, which creates the states, and the tranquil universal life of the states, which sustain the persons, generate two worlds that as far as the life of the persons go remain separated from one another in Hegel's system of right. It is this separation that renders Hegel's resolution to the personal antinomy problematic. Bringing them together, I argued, involves a notion of politics as participation in history directed both at relations of right and at labor relations in bourgeois society. History, too, can educate persons for the sake of universal life. As Marx proclaims in his prime years, a critique of speculative philosophy of right of the kind that Hegel singularly put forward cannot fulfill itself in critique alone, but only in engaging with the problems presented by that philosophy the only solution to which would be praxis (see MEW 1: 385).

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<sup>110</sup> Lukács, *Der Junge Hegel*, 568.

## CHAPTER FOUR

### THE POLITICAL ANTINOMY AND ITS RESOLUTION IN MARX'S THE EIGHTEENTH BRUMAIRE OF LOUIS BONAPARTE

Chapter Overview:

- § 1 The Constituted Form: The Proclaimed Republic
- § 2 The Constituent Content: The Presuppositions of the Republic
- § 3 The Antinomy of Constituting: The Politics of Capital
- § 4 The Resolution to Come

Camille: Die Staatsform muß ein durchsichtiges Gewand  
sein, das sich dicht an den Leib des Volkes schmiegt.  
[The state form must be a transparent garment  
that densely nestles itself to the body of the people.]

Georg Büchner, *Dantons Tod* (1835)

*The Eighteenth Brumaire of Louis Bonaparte* provides a history of the formation, decline, and fall of the Second Republic in France, from its inauguration on 25 February 1848 to its collapse by the coup d'état of 2 December 1851.<sup>1</sup> The making of the Republic was a long process of constituting its formal structure. According to Marx, the process proved ridden with political conflicts that I will show to have been conditioned by an antinomy pertaining to the capitalist mode of production. It was not until the mature phase of the wholly constituted parliamentary Republic and its necessary failure to resolve its conflicts that the antinomy revealed its full import. It blossomed, that is, when the Republic's two structural powers, the legislative

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<sup>1</sup> The pamphlet briefly covers the months following the 2<sup>nd</sup> of December coupe d'état and the re-installment of universal suffrage, abolished in May, 1850. The second presidential election early in 1852 as well as the proclamation of the "Second Empire" in November of the same year are also mentioned. Throughout the chapter, whenever I quote I follow this format in referencing: B: [chapter].[English page number]/ German page number).

Assembly and the executive apparatus of the state, landed in a fatal opposition over the issue of revising the Constitution.

The antinomy that arises in the *Eighteenth Brumaire* can be stated thus. Under the rule of capital it has been made possible for the first time in history to proclaim the republic as a political form that conforms to its social content, and yet under the rule of capital the form of the republic necessarily fails to conform to its content because capital enforces the rule of one class over all others. By political form, I understand the idea of a lawful government, one and indivisible, whose legitimate sovereignty rests on its ability to represent the many members of the people as persons entitled to free, decent life. By social content, I mean the configuration of different classes and persons that live under the Republic with their material interests and their rightful claims, in virtue of the political form, to participate in forming the body politic. Both form and content are equally necessary for sustaining the Republic as a legitimate body. The political form in the Republic was not the form of its content but the form fittest for the rule of capital. In my argument, it is the performative nature of politics as the participation of the people in determining their collective life that sustains the antinomian character of the republic in light of its historical genesis under the condition of the capitalist mode of production.

We have an antinomy here because there are two independently valid yet conflicting assertions on the Republic insofar as the conditions for the possibility of the political form, capital, come into conflict with the product of those conditions, that is, a political organization that claims to exist to benefit all, not some, of the people. Conditioned by this antinomy, the Republic. I take Marx to maintain, encounters conflicts in the course of its constitution that are of a political nature. It will be shown that the mode of presentation and manifestation of the antinomy in the *Eighteenth Brumaire* must be a political narrative, so that any resolution to

it will need to bring together the form-content analysis and the narrative of political development. It is the figure of the proletariat that will make possible this unification.

In the four steps taken in this chapter, I will first consider the political form of the republic and its place for Marx before and after 1848 (§ 1). I will next examine Marx's account of the social content of the Republic as conditioned by the historical development of the centralized state and the smallholding peasantry as moments of the capital development (§ 2). In a third step, the antinomy of the form and the content of the Republic will be formulated by examining the conditions of its rise and manifestation on the political scene (§ 3). Finally, I will look at the resolution that Marx proposes to the antinomy. The chapter concludes on a note about the double character of the proletariat (§ 4).

*The Eighteenth Brumaire of Louis Bonaparte* counts among Marx's most lucid, well-argued, and in some senses straightforward works composed at a turning point both in his own thought and in the course of European history. There is a multifaceted yet not so bulky body of literature on this work, stretching from Marxists such as Lenin, Poulantzas, and Karatani to historians such as White.<sup>2</sup> My own contribution to the understanding of the *Eighteenth Brumaire* limits itself to two points. First, I interpret it as a work that succeeds in formulating an antinomy with regard to a concrete political experiment. Second, I demonstrate the presence

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<sup>2</sup> See Lenin's chapter on "The State and Revolution. Experience of 1848–1851" in *The State and Revolution. Essential Works of Lenin*, ed. Henry M. Christman, (New York: Dover, 1987), 285–296; Nicos Poulantzas's sporadic take in his *Political Power and Social Classes*, trans. ed. by Timothy O'Hagan (London: Verso, 1968) esp. 79–81, 234–252, 310–312; Kojin Karatani's insightful introduction to his collection of essays, *History and Repetition*, ed. by Seiji M. Lippit (New York: Columbia University Press, 2004), 1–29; Hayden White's chapter on "Marx: the Philosophical Defense of History in Metonymical Mode" in his narratological study *Metahistory: The Historical Imagination in Nineteenth-Century Europe* (Baltimore: Johns Hopkins University Press, 1975); For a thorough unpacking and almost exhaustive analysis of the *Eighteenth Brumaire*, see Brunkhorst's commentary to the Studienbibliothek edition of *Der achtzehnte Brumaire des Louis Bonaparte* (Frankfurt am Main: Suhrkamp, 2007). In the same vein, from an emphatically political perspective, see Draper's multi-volume *Karl Marx's Theory of Revolution*, 4 vols. (New York: Monthly Review, 1974–1990). See esp. vol. 1, 385–410 for a discussion of the Bonapartist model of the state in the first volume.



of an implicit aesthetic mode in Marx's operation in the *Eighteenth Brumaire*, with which I revert, in the Conclusion to this dissertation, to the problem of art's double character in Adorno.

## § 1 THE CONSTITUTED FORM: THE PROCLAIMED REPUBLIC

Marx's earliest intellectual interventions bear the mark of his lifelong preoccupation with the question of form and content in modern political life.<sup>3</sup> The fruits of his reflections on the topic ripened at two moments in the development of his politico-economic thought: in 1852 when he composed the *Eighteenth Brumaire* and in 1867 when he finished the first volume of his *Capital*. My aim in the first part of this chapter is to show the necessity and functioning for Marx of the form of politics in modern bourgeois society, first before the experience of the Second Republic, then in its wake.

According to Marx's tripartite way of dividing the life of the Republic, the first period, the Prologue, starts with the February revolution in Paris that overthrew the constitutional July Monarchy of Louis Philippe. It set up a provisional government (24<sup>th</sup> of February) and proclaimed France a republic (25<sup>th</sup> of February). The second period begins on 4 May 1848 with the first session of the Constituent National Assembly tasked with drafting the Constitution and preparing the structure of the executive power. This makes for the

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<sup>3</sup> Marx first took up the question of form and content in political life early on in his two articles on Prussian laws of censorship and freedom of the press. His key argument revolves around the conflict arising from the incompatibility of form and content in these laws. The best way to grasp his position in this regard is through the way that he compares the censorship law with the press law. He writes, "The censorship law has only the *form* of a law. The press law is the *real* law" (MEW 1: 57). The latter is a law for the sake of freedom of journalists, therefore, it constitutes, in Marx's Hegelian language, "the positive existence of freedom." Here Marx shows his approval of the necessity and validity of laws for freedom. For him, laws "are the positive, bright, universal norms in which freedom has gained an impersonal, theoretical existences that is independent from the arbitrariness of the individual. A law book is the freedom Bible of a people" (MEW 1: 58). By contrast, however, the censorship law is a "police measure" to prevent freedom conceived of as a crime, as something "unfavorable" ("Mißliebig"). The relation between the law of the freedom of the press and the law of censorship is that "arbitrariness and freedom" ("Willkür und Freiheit") or "formal law and real law" ("formelles Gesetz und wirkliches Gesetz," MEW 1: 61).

Constituent period or the constituting of the Republic. It lasted until 28 May 1849 when the Legislative National Assembly first convened. The final, Constituted, period, the constitutional Republic, consisted in the life of this Assembly throughout its growing feud with Louis Bonaparte, the President of the Republic. It ended with the fall of the Assembly following the latter's coup on 2 December 1851 (see B: I. 108/15). This periodization gives us the key elements of the abstract form, or the outline of the structure of the republic.<sup>4</sup> On that basis, we can say that the Republic fully settled itself only after it had put in place these elements. The Republic was founded as late as over a year after the primal scene of the February revolution. When we speak of the settled or completed form of the Republic what we should have in mind is the parliamentary republic that began its work in early 1849. The first two periods then corresponded to the operative time of the constituting of the form of the Republic, that is, the time that it took for the Republic to settle as a political form. All the same, the Republic as a form was there the moment it was proclaimed in February.

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<sup>4</sup> The tripartite process of constitution brings out the relation between the diverse meanings of the term *constitution* that are vital to the modern political life. The multifaceted concept of constitution makes for the specificity of the modern notion of politics or *politeia*.

“What becomes decisive for the development of the modern era’s concept of constitution [*Verfassung*] is that of *πολιτεία* [*politeia*]. It designates, first, the participation of the individual in the polis by virtue of the right of the citizen; then the ensemble or community of the citizens who concretize themselves in the state, and further the order under which the citizens live in the state, as well as the form of governing [the exercise of rule ‘Herrschaftsausübung’]. *Πολιτεία* means at once ‘citizenship’ and ‘Constitution.’” “*Verfassung* (I): Konstitution, Status, Lex fundamentalis.” *Geschichtliche Grundbegriffe: Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, ed. Otto Brunner, Werner Conze, Reinhart Koselleck (Stuttgart: Klett-Cotta, 1990), 833.

Moreover, we should note the function of constitution both as a text and as an act whereby it becomes the founding event, the subject of debate, the matter of conflict, the framework of act, and the form of politics. In accord with its rhetorical origin, the stasis or constitutio throughout the course of the Second Republic was the multifold phenomenon of constitution itself. According to *A Handlist of Rhetorical Terms* (Richard A. Landham, 2<sup>nd</sup> ed, University of California Press, 1991), the term stasis or issue, with its Latin synonyms *constitutio*, *status*, “is the Greek term for the main point at issue in a legal argument. . . : who has done what, when, and how. Some theorists further narrow the definition to the starting point of a case—the circumstances that give rise to it—or to the first point raised by an opponent in a legal case” (170. See also the entry “Issue” 93–94). For a discussion of the social and political origins of stasis see, Carter, Michael. “*Stasis* and *Kairos*: Principles of Social Construction in Classical Rhetoric.” *Rhetoric Review* 7, no. 1 (1988): 97–112. JSTOR. For a useful discussion of the relation between stasis and the German term *Sache*, see *Dictionary of Untranslatables: A Philosophical Lexicon*. ed. Barbara Cassin et al, trans. Emily Apter et al (Princeton: Princeton University Press, 2014). s.v. “Sachverhalt.”

The concise statement of the claim underlying the republic as a political form can be found in the first article of the 1848 French Constitution composed months after the February prologue: “The sovereignty resides in the universality of French citizens. It is inalienable and imprescriptible. No individual, no faction of the people, can attribute to itself the exercise of sovereignty.”<sup>5</sup> France as a nation consists of numerous individuals and many factions of the people, there are various groups, guilds, and classes. But France as a republic owes its sovereign unity and indivisibility to none of these elements alone. An 1850 French dictionary defines the *république* thus, “A state governed by many who draw or should draw their authority from the people themselves of which they are the representatives, the mandatories.”<sup>6</sup> Another French document of the period at issue, a general report on jurisprudent terms between 1791 and 1850, notes that in its general, absolute sense, republic “is synonym with *political corpus*; it designates the moral and collective body generated by the association or union of all the members of a nation.”<sup>7</sup>

The participants of the February days in France did not have the idea of revolution as such on their minds but only the idea of being part of the political scene. As Marx points out, “The February days originally aimed at an electoral reform, by which the circle of the politically privileged among the possessing class itself was to be widened and the exclusive domination of the finance aristocracy overthrown” (B: I. 109/16).<sup>8</sup> Participation of the excluded part of

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<sup>5</sup> “La souveraineté réside dans l’universalité des citoyens français. Elle est inaliénable et imprescriptible. Aucun individu, aucune fraction de peuple ne peut s’en attribuer l’exercice.” *La France de la Bourgeoisie, 1815–1850*, ed. Philippe Sussel, Paris : Culture, art, loisirs, 1970, 198.

<sup>6</sup> “état gouverné par plusieurs qui tiennent ou doivent tenir leur autorité du peuple lui-même, dont ils sont les représentants, les mandataires.” *Dictionnaire Breton-Français de le Gondiec* (Saint-Brieuc, 1850), 560.

<sup>7</sup> “République,” *Répertoire Général contenant la jurisprudence de 1791 a 1850 . . .*, vol. 11, ed. Achille Morin (Paris: A. Durand, 1850) 343. While the author notes that in its more restrained sense, meaning as a form of government, republic is not a novel, exclusively modern form, it has been always contested whether and to what extent modern republics, federalist or unitary, owes to its preceding Attic and Roman versions. One major point of departure in the modern republic from ancient forms, in any case, is the decisive role of the many, of “all members of a nation.”

<sup>8</sup> Within few days between February 22 to 24, the chant everyone shouted transformed itself from “Vive la Réform!” to “Vive la République!” The genesis of the new agenda can be tracked down in the way the morning

French society in political power made for the key idea of the early 1848 Revolution. Marx's conception of the form of the Republic should be understood in relation to this notion of participation, just as the failure of this form in the course of its life related to the betrayal of that participation. What made possible the participation of all was universal suffrage: "The universal voting right, this is the banquet question of the new revolution."<sup>9</sup> As Karatani notes, "The events described in *The Eighteenth Brumaire* are unthinkable outside of the system of popular suffrage. Marx points out the existence of actual social classes in the background of such a representative system."<sup>10</sup> The major difficulty involving the claim of the republic as set forth in Article I lies with the division in its social content, the state of various groups and factions. The challenge before the form of the republic is thus: Can this form abstract and separate itself from any particular interest and reach the level of a universality in which every person-as-citizen could partake?

Until the experience of the events in the Second Republic, Marx's understanding of politics primarily consisted in a critical reception of bourgeois politics in the aftermath of the French Revolution of 1789–1792. Marx's clearest early account of what he understands by politics in its bourgeois sense is to be found in his 1843 review of Bruno Bauer's series of articles on Jewish emancipation in Germany. In "On the Jewish Question," the state in its republican, that is, empty form is the necessary intermediary through which "man frees himself *politically*"

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meeting of the Chambers of Deputies on the 24<sup>th</sup> of February led to the afternoon meeting at Hôtel de Ville where the provisional government was appointed. See "Résumé des événements qui ont causé la chute de la dynastie de juillet." *24 Février & 15 Mai 1848 ou compte-rendu . . .* (Paris : Barba-Garnot, 1848), 9.

<sup>9</sup> "Das allgemeine Stimmrecht, es ist die Bankettfrage der neuen Revolution." MEW 7: 94. The metonymy of "banquet question" in this statement from *The Class Struggle in France: 1848–1851* conforms to its content. In the months leading to the February revolution, the French reformers, from intellectuals and politicians to workers, would participate in banquets to discuss politics over victuals and drinks. Each banquet revolved around one question or issue. The electoral reform, which served as the initial aim of the would-be February revolutionaries, counted among them.

<sup>10</sup> Karatani, *History and Repetition*, 7.

and “he does so *indirectly*” because through the state.<sup>11</sup> “Political” in this context is treated as synonymous with the state.<sup>12</sup> The republican state succeeds in its political liberation of individuals in virtue of its emptiness with regard to any particular determinations:

The state abolishes distinctions of *birth, rank, education, and occupation* in its fashion when it declares them to be *non-political* distinction, when it proclaims that every member of the community *equally* participates in popular sovereignty without regard to these distinctions, and when it deals with all elements of the actual life of the nation from the standpoint of the state.<sup>13</sup>

This politically liberated human being constitutes the opposite of the status-human being that Marx saw as animal life. This, however, does not, of course, mean that the political individual, legally thus formally equal to fellow individuals, is de facto emptied of any particular determinations. There are still professions, ranks, births, religions, and races. Individuals have concrete lives and multifaceted ways of subsistence. The human being is abstracted into what the young Marx calls its species-being (*Gattungswesen*). Yet, the individual substance of this species-being is left behind: the “egotistic life remains in *civil [bourgeois] society outside* the state, but as qualities of civil society.” The outcome of the state-mediated political liberation of individuals is a double life: “In the *political community* he regards himself as a *communal being*; but in *civil society* he is active as a *private individual*, treats other men as means, reduces himself to a means, and becomes the plaything of alien powers”<sup>14</sup>. The “alien powers” primarily refers to the property relations and makes for Marx’s ironic remark on the formality of bourgeois politics. Bauer argued that in order for the Jew to become a citizen he must shrug off his

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<sup>11</sup> Karl Marx, *Selected Writings*, ed. Lawrence H. Simon (Indianapolis: Hackett, 1994), 7.

<sup>12</sup> The Grimm Brothers’ dictionary of German language makes explicit this association of *politisch* with the state. See *Deutsches Wörterbuch von Jacob und Wilhelm Grimm*, s.v. “Politisch,” accessed September 4, 2018, <http://dwb.uni-trier.de/de/die-digitale-version/online-version>.

<sup>13</sup> Marx, *Selected Writings*, 8.

<sup>14</sup> Marx, 8–9.

religion, and Marx asks why relinquish only religion and not private property? “The difference between the religious man and the citizen is the difference between the shopkeeper and the citizen, between the day laborer and the citizen. . . . The contradiction between the religious and political man is the same as that between *bourgeois* and *citoyen*.”<sup>15</sup> If religion is viewed as a particular content from which the state is to free itself and thus the citizen, then the property relation must be viewed as such, too, for it constitutes a part of the living individual in civil society.

In the bourgeois form of political life, human beings, according to the young Marx, emerge as individuals in immediate relation to political society. “The bourgeois [*Bürger*] must waive his status [*Stand*] in bourgeois society, his private status [*Privatstand*], in order to arrive at political significance; because it is precisely this *status* that stands between the *individual* and the *political status*” (MEW 1: 282). This is a useful formulation on Marx’s early view on bourgeois abstract political form. The key term here is *Stand*, status or estate.<sup>16</sup> Modern bourgeois society is one in which statuses or estates have vanished and given their place to individuals who come into more direct social relation with each other. The way Marx deploys the concept of *Stand* both conforms to and sharply deviates from the French republican tradition of an Abbé Siéyes. Estate was a more or less fixed social condition usually divided into that of the nobility, the military, and the rest of the people, the third of which was considered the productive and active political agent of the French Revolution: the bourgeois status.

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<sup>15</sup> Marx, *ibid*.

<sup>16</sup> An old political dictionary from Marx’s time notes that the “Estate signifies that title or interest which a man has in lands, tenements, hereditaments, or other property,” and adds that “This is the legal signification of Estate, which . . . is not a piece of land or other property, but signifies the relationship of ownership between a land and property. The word was also used in former times to signify men’s station (status) or condition in life. It was also used, and is still sometimes use, to signify a class or order in a state.” *Political Dictionary* . . . , vol. 1, ed. Charles Knight (London: C. Knight and Co.: 1845), s.v. “Estate,” 857.

According to Siéyes's famous formulation, the third estate was nothing under the *ancien régime* at the same time as it was everything thanks to its role in production, and now it wants to become *something*.<sup>17</sup> For Marx, estates turn human beings into animals by equating them with their familial, professional, racial, in sum, *material* determinations ("The middle ages were the animal history of humankind"; MEW 1: 285). In this sense, from the perspective of bourgeois politics, to become something amounts to breaking with one's always-already determined status in society and asserting oneself as individual. We are now in a better position to understand Marx's claim that the private status of the bourgeois is to be shrugged off if the individual is to participate in political life and be considered an individual in the first place. And it is this very distinction that characterizes the political state of the modern bourgeois society. This, however, involves the duplicating of the individual in two modes of being with no prospect for unifying them. The same singular individual ("das einzelne Individuum," MEW 1: 368, 382<sup>18</sup>) is regarded once as the citizen or *citoyen* under the sign of the political and then again as the bourgeois under the sign of the social. This is true even at the linguistic level of the difference between *political* and *civil*, a difference alien to the ancient world.<sup>19</sup>

How this distinction between the bourgeois and the citizen is interpreted divorces Marx's position from the kind of bourgeois republicanism of Abbé Siéyes. For all his affirmative view

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<sup>17</sup> Emmanuel Joseph Sieyès, *What is the Third Estate?* in *Political Writings*, trans. Michael Sonenscher (Indianapolis: Hackett, 2003), 94.

<sup>18</sup> On all other occasions in the "On the Jewish Question" Marx uses the term *Individuum*.

<sup>19</sup> Civil society is the Latin translation of the Greek Aristotelian concept of political society or *politike koinonia* in that both refer to the city/polis as the public sphere of free and equal citizens in distinction to the household. See Jean L. Cohen and Andrew Arato, *Civil Society and Political Theory* (Cambridge, MA: MIT: 1992), 84, 86–87. It was with the introduction of formal rights of persons that the linguistic distinction between civil and political, between material or social life and legal or formal life became significant.

"It is uncontroversial to argue that in the history of the concept of 'civil society' we can discern two distinct conceptualizations. In the classical conceptualizations, that stretches from Aristotle well into the eighteenth century, 'civil society' was used as a synonym for 'political society': *civitas sive societas civilis sive res publica*, 'the city-state or civil society or common wealth.' But since the mid-eighteenth century, the term 'civil society' has been used to define a realm of social life that is (or ought to be) separate from the 'state.'" Roland Axtmann, *Liberal Democracy into the Twenty-First Century: Globalization, Integration, and the Nation-State* (New York: Manchester University Press, 1996) 54.

of political emancipation, Marx regards the dichotomy of political/civil, form/material as a malaise. While it departs from the animal history of medieval humankind, writes Marx, “Modern time, *civilization*, commits the opposite mistake. It separates the objective essence [*gegenständliche Wesen*] of man as something merely *external*, material, from him. It does not take the content of man as his true reality” (MEW 1: 286). While the estate-society of the premodern world reduced human beings to their immediate, external determinations of rank, birth, profession, race, gender, the bourgeois society reduces them to their common denominator as dwellers of political society or the state. This is the first step on the fated way toward becoming bourgeois citizens who are legally or formally equal because in equal distance to the state, but socially and materially unequal.<sup>20</sup> And it is here that, in the face of the political formalism of bourgeois society, the question of content emerges for Marx. Herein lie the seeds of his would-be radical critique of bourgeois politics in the *Eighteenth Brumaire*.

The *Eighteenth Brumaire* rests on the following postulate that Marx had introduced years before, and which proved relevant only after the 1848 experience, “The form has no value if it is not the form of the content” (MEW 1: 146).<sup>21</sup> Translated into the terms of modern political

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<sup>20</sup> Koselleck’s insight on the language used in the first comprehensive general Territorial Law for the Prussian States (1794) illustrates the prototypical figure of the bourgeois in a German nation-state not yet fully constitutionalized:

“In order terminologically to unify the social-right [*sozialrechtlich*] inequality and state-right [*staatsrechtlich*] equality, the Territorial Law resorts to general expressions such as ‘dweller’ [*Einwöbner*] or ‘member’ [*Mitglieder*] of the state, which are neutral with respect to the legal status of the estates [*Stände*] and indicate the bigger universality of a state-citizenship. . . . As member of the state one was the subject of the monarch, yet at the same time, depending on one’s estate, the possessor of specific rights and duties.” Reinhart Koselleck, *Preussen Zwischen Reform und Revolution: Allgemeines Landrecht, Verwaltung und Soziale Bewegung von 1791 bis 1848* (Stuttgart: Klett, 1967), 96.

Even though the Prussian Law book did not fully modernize or constitutionalize the German nation, it worked towards establishing a more direct, political, mediation between the individuals and the state different from the one provided by the old estate-system. The Prussian path to genuine constitutionalism was yet to go a very long way, but already in the reforms of 1806 and then 1848 did major political changes find their ways into Germany.

<sup>21</sup> “Die Form hat keinen Wert, wenn sie nicht die Form des Inhalts ist.” Marx makes this remark on the occasion of the Prussian wood theft laws on which he wrote an article in the *Rheinische Zeitung*. On the aesthetic nature of Marx’s postulate and its vital importance for his political thought Eagleton writes, “The emancipated society, for Marx as much as for the Rousseau from whom he has learnt here, is an aesthetic interfusion of form and content. An interfusion of form and content, in fact, may be taken as Marx’s aesthetic ideal.” Terry Eagleton, *The Ideology*



life, Marx asserts that “Democracy is content and form. The monarchy *must* only be form, but it falsifies the content” (MEW 1: 231). On the basis of the distinction between political society and civil society, one could say that for Marx political form is valid, or deserves being called form at all, when the political state constitutes itself from within the elements of society. Although monarchy makes up a unity claiming to stand in for the people living inside the boundaries of a geographical territory, its organizing principle, its source of authority and legitimacy, does not originate in the will of the members of the people. It derives from the divine power with which one person or family has been endowed. Otherwise, if the monarchy were to be authenticated through the will of the people, according to the defenders of monarchy, the outcome would be anarchy. “Where every man is his own monarch or governor,” writes Robert Filmer, the people with their councils, assemblies, bodies of representatives “will crumble away into the atoms of monarchy, which is the next degree to anarchy . . . a broken monarchy.”<sup>22</sup> In other words, representative bodies of the people cannot by themselves arrive at the level of the unity that only the monarch can realize, precisely because the monarchical unity does not form itself out of the aggregation of assembly of the members. Monarchy legitimizes itself by holding that “kings, queens and other princes . . . are ordained of God, are to be obeyed and honoured of their subjects,” says a 1570 homily that was to be read in all churches in England.<sup>23</sup> With the numerous members of the people taken as the source of power, the monarchy finds it impossible meaningfully to unify all the “atoms” and to authenticate the rule of one person over that unity. Filmer is clear on this point when,

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of the *Aesthetic* (Cambridge, MA: Basil Blackwell, 1990), 210. For Eagleton, too, the *Eighteenth Brumaire* is the key work probing this postulate. However, Eagleton limits himself to pointing to this aesthetic ideal without showing how it practically is at work in Marx’s pamphlet.

<sup>22</sup> Robert Filmer, “Observations upon Aristotle’s *Politiques* (1652),” in *Divine Right and Democracy: An Anthology of Political Writing in Stuart England*, ed. David Wootton (London: Penguin, 1986), 113.

<sup>23</sup> “A Homily against Disobedience and Wylful Rebellion (1570),” in *Divine Right and Democracy*, 96.

commenting on the Bible's view of governing, he writes, "A true representation of the people to be made is as impossible as for the whole people to govern."<sup>24</sup>

Democracy, by contrast, ventures into this very unity based on multiplicity. Only democracy deserves to be called a valid form for only democracy does not shy away from seeking the organizing principle of its unity in its own diverse members, in representing the "atoms of monarchy." The modern definition of the republic shows an awareness of the claim many individuals, as citizens, lay to political participation, as opposed to the rule by a particular family or dynasty or religious, racial, or economic group.<sup>25</sup> It is a unique form of political government, which, unlike others, cannot derive its legitimacy from any other source.

Over the formative decade of his political thought from 1842 to 1852, Marx uses two expressions to refer to a legitimate political form, or political form proper, that is in accord with its content: democratic republic and social republic. As regards the relation between the one and the many in the republican claim, two formulations by the younger Marx (in the context of his critique of Hegel's *Philosophy of Right*) can help illustrate the issue. On the difference of democracy from other state forms Marx writes:

All the rest of state formations are only a certain, determinate, *particular state form*. In democracy the *formal* principle is at once the *material* principle. Thus, it is democracy alone that is the true unity of the universal and the particular. (MEW 1: 231)<sup>26</sup>

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<sup>24</sup> Filmer, 111.

<sup>25</sup> Ever since Jean Bodin's famous definition of the republic as the rightful government of many households with things in common, this form has been characterized in the French tradition by a previously unthinkable mélange of sovereign power and the law with the many 'plusieurs.' According to Bodin, the republic is "un droit gouvernement de plusieurs menages et de ce qui leur est commun, avec puissance souveraine" 'a rightful government of many households [of families] and of what is common to them, with sovereign power.' Qtd in Lloyd, A. Howell. *Jean Bodin. "The Pre-Eminent Man of France": An Intellectual Biography* (Oxford: Oxford University Press, 2017), 129. Still far from the modern form of politics, the "many" for Bodin refers to privileged, powerful groups, the households, not many individuals or the people at large.

<sup>26</sup> "Alle übrigen *Staatsbildungen* sind eine gewisse, bestimmte, *besondere Staatsform*. In der Demokratie ist das *formelle* Prinzip zugleich das *materielle* Prinzip. Sie ist daher erst die wahre Einheit des Allgemeinen und Besondern."

In democracy, the *abstract* state has ceased to be the dominant moment. The conflict between monarchy and republic is itself still one within the abstract state. The *political* republic is democracy within the abstract state form. The abstract state-form of democracy is therefore the republic; but here it ceases to be merely the *political* constitution. (MEW 1: 233)<sup>27</sup>

Two moves occur in these passages. One move designates the republic as a form distinct from other state formations and the other calls this distinct form democracy to the extent that the republic as a political constitution takes account of the question of its content. Thus, one is an abstracting or separating move and the other a concretizing one. In the first move, democracy and republic are treated as synonymous inasmuch as both differentiate themselves from all other forms of governing, such as constitutional monarchy, aristocracy, tyranny. Monarchies tend to associate themselves with family names like the Bourbons in France, the Romanovs in Russia, the Pahlavis in Iran. Republics cannot boast such affiliations; they take the name of a country, nation, region as the most general indicators of a territorial sovereign unity. Otherwise, they would contradict their claim to be a government represented by all the people and not by some groups among the people. The republic can empty itself of any kind of property in the form of family lineage, religious or divine affiliation, racial or brute power relations. It is abstract in the sense that it separates the condition for participating in body politic from any properties such as defined by religion, rank, and birth. For Marx, democracy is a state form that has no determinateness of its own, does not distinguish itself through a definite content, so that one cannot refer to it “in distinction to the other content” (“im Unterschied zu dem andern Inhalt”), which is to say, it is determined only by what is inside it

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<sup>27</sup> “In der Demokratie hat der *abstrakte* Staat aufgehört, das herrschende Moment zu sein. Der Streit zwischen Monarchie und Republik ist selbst noch ein Streit innerhalb des abstrakten Staats. Die *politische* Republik ist die Demokratie innerhalb der abstrakten Staatsform. Die abstrakte Staatsform der Demokratie ist daher die Republik; sie hört hier aber auf, die nur *politische* Verfassung zu sein.”

(MEW 1: 233). To use modern linguistic terms, it is the abstract system of language whose content is the infinitely various particular utterances, while other state formations tend to dictate particular utterances as the main patterns for speaking.

In the second move that takes place in the above quoted passages, this abstracted and emptied out state form, which has only the notion of the people as such to resort to, is to become aware of what it contains in the fullness of its diversity. It is to come to grips with the internal differentiations of the people as its source of sovereign legitimacy. By emptied out state form, I do not mean that democracy is free of social division of groups and classes, modes of production and concrete political conflicts. Emptiness refers to the claim of democracy to leave open the space of power and representation to all in spite of concrete distinctions. So, if the first move emphasizes the abstract moment in the republic by which the body politic separates itself from, and lets go of this or that property as condition of participation, the second move precisely stresses the need for the republic to concretize itself in respect of differences among the people. In monarchy or aristocracy only certain individuals or groups qualify to participate in the governing. The republic calls for the participation of all, negating the estrangement of monarchy from the life of the people ("Volksleben"; MEW 1: 233). If no particular element can lay claim to sovereignty, then how is the republic determined as a form, what must it contain if it is not to be an empty form hovering over society? It must be democratic. A republic becomes democratic when it finds a way to equate the political society with the popular or civil society.<sup>28</sup>

The mystery of democracy seems thereby solved. Even so, all Marx has in fact achieved in this early phase of his thought, through criticizing Hegel's theory of the state, is that the state

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<sup>28</sup> For a discussion of Marx's early conception of the state, see Helmut Reichelt, "Karl Marx über den Staat. Zum Verhältnis von Staat und Gesellschaft im Marxschen Frühwerk," in *Der Staat der bürgerlichen Gesellschaft: Zum Staatsverständnis von Karl Marx*, ed. Joachim Hirsch et al (Baden-Baden: Nomos, 2008).

not simply be an idea, a unitary lofty subject, ruling over the society as the sphere of particular elements. Rather, it is a real manifold subject constituting itself from within the differentiated civil or bourgeois society.<sup>29</sup> Marx subsequently both remained on this track and drastically changed his direction. Five years from 1843, the prospect for a democratic republic in the sense outlined above presented itself to Marx and his generation. How does a democratic republic as the unity of the political and the social manifest itself in practice? When we look at the 1848 revolution, it takes the form of a proclamation by representatives of various groups of the people who have taken to the streets. The republic had been proclaimed on 25 February on the balcony of the Hôtel de Ville through a simple verbal, not written, statement: “La République est proclamée” (“the Republic is proclaimed”). This was done by Lamartine, a member of the Provisional Government appointed by the people the day before. In the first official proclamation of the Provisional Government on the 24<sup>th</sup> of February, it reads that “The Provisional Government wants a *republic*, through ratification by the people, who will immediately be consulted.”<sup>30</sup>

It was not clear how such a consultation was to be done in the absence of an assembly or any means of communicating except through word of mouth and the presence on the streets. Yet, this is not to be regarded as a sociological question of how the revolutionaries or the members of the Provisional Government could possibly have the Republic ratified by all the members of French nation. Rather, it is a question of the presence of *some* members of the people promising the universal, inclusive, space of political participation for all. This promise

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<sup>29</sup> According to Marx, Hegel’s state as realized Idea of ethical life is to be developed and understood, not as a subject sustaining the organic whole of society in its many spheres (family, bourgeois society, corporations, individual persons), but as a subject developed out of the distinctions within society itself. See MEW 1: 210.

<sup>30</sup> “Le Gouvernement provisoire veut la *république*, sauf ratification par le peuple, qui sera immédiatement consulté.” *Actes officiels du Gouvernement provisoire . . . les 22, 23 et février 1848*, 2. The issue of ratification was reflected in the debates of the first session of the National Assembly on 4 May 1848. See “Séance de jeudi 4 mai 1848.” *Compte rendu des séances de l’Assemblée nationale*, vol. 1, 14–18.

takes the form of an operative act, which can be successful or unsuccessful, not a statemental description that could be true or false.<sup>31</sup> Marx writes of the revolutionary February in 1848, immediately after the proclamation of the republic, “No one and nothing dared to claim the right to persist and to act” (translation modified). The main act consisted in the very making possible of political presence, as Marx promptly adds, “All the elements that had prepared or determined the revolution, the dynastic opposition, the republican bourgeoisie, the democratic-republican petty bourgeoisie and the Social-Democratic workers, provisionally found their place in the February *government*” (B: I. 109/16).<sup>32</sup> A space is opened up, though in a transient manner, in which various groups in French society claim to be players, having a voice, and yet no single group or individual qualifies to totalize its own claim or voice over others. Marx occasionally refers to this early moment as that of fraternity or universal brotherhood (B: VI. 180/111). The February scene temporarily captured the unity of political society and civil society.<sup>33</sup>

The double move sketched above in the context of Marx’s definition of the democratic republic aims at establishing the republic as an autonomous form or a form of self-determination. Self-determination or autonomy here should be understood in a double sense,

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<sup>31</sup> See J. L. Austin, “Performative Utterances,” in *Philosophical Papers* (Oxford: Oxford University Press, 1962), 220–239. As for the act of proclaiming, Austin classifies it under the “exercitives”:

“An exercitive is the giving of a decision in favour of or against a certain course of action, or advocacy of it. It is a decision that something is to be so, as distinct from a judgment that it is so: it is advocacy that it should be so, as opposed to an estimate that it is so, it is an award as opposed to an assessment; it is a sentence as opposed to a verdict.” J. L. Austin, *How to Do Things with Words*, ed. J. O. Urmson and Marina Sbisa, 2nd ed (Cambridge, MA: Harvard University Press, 1962), 155.

<sup>32</sup> “Niemand und Nichts wagte das Rechts des Bestehens und der wirklichen That für sich in Anspruch zu nehmen. Alle Elemente, die die Revolution vorbereitet oder bestimmt hatten, dynastische Opposition, republikanische Bourgeoisie, demokratisch-republikanisches Kleinbürgerthum, sozial-demokratisches Arbeiterthum fanden provisorische ihren Platz in der Februar-Regierung.”

<sup>33</sup> See the recent work by Judith Butler, *Notes Towards a Performative Theory of Assembly* (Cambridge, MA: Harvard University Press, 2015), putting forward the thesis that “[A]cting in concert can be an embodied form, calling into question the inchoate and powerful dimension of reigning notions of the political . . . The Gathering signifies in excess of what is said, and that mode of signification is a concerted bodily enactment, a plural form of performativity.” 9, 8.

negative and positive. Negatively, because the republic claims to be free of the determining force of particular interests, special groups of people, and divine right. Positively autonomous because, in virtue of proclaiming the opening up of a universal space of power, the republic claims to represent all the people, meeting their concrete demands and interests, from voting rights and right to labor to enjoying the public goods.<sup>34</sup> Though present as a promise in the February act of proclamation, it was the positive dimension of the autonomous form of the proclaimed republic that, as I will show in the next part, proved problematic.

Any felicitous performative, that is, doing things either by saying words or by bodily presence, requires a set of conditions. The conditions include history, agents, correct and complete act, intention, and fulfilling the promise in the future. According to Austin, there must be an accepted conventional procedure, the appropriate persons must invoke the procedure, all participants must perform the procedure correctly and completely, there must be the relevant intention to do so, and they “must actually so conduct themselves subsequently.”<sup>35</sup> In our case, we encounter the previous proclamation of the Republic in 1792, the presence of the February revolutionaries on the scene, the act of proclaiming the Republic. These make up the first four conditions. As regards the last two conditions, having the right intention to promise and fulfilling that promise, there was no way to verify them in the February event. But these two, unlike the first four, do not make up the conditions for the

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<sup>34</sup> The same double movement in Marx’s critique of Hegel’s *Philosophy of Right* is at work in his account of political vs. human emancipation in “On the Jewish Question.” What follows the upward, abstracting move that frees human beings from particular determinations, elevating them into the political society, is a downward, concretizing move. This second move aims at the real content of the politically thus formally emancipated human being. The goal of the double movement is to reconcile political society with civil society. It is for this reason that Marx asserts, “Democracy is content and form. The monarchy *must* only be form, but it falsifies the content.” MEW 1: 231.

<sup>35</sup> See Austin, *How to Do Things with Words*, 14–15. Regard for the conditions for performatives tends to be absent from widespread discussion of performativity in very diverse fields of agency. Butler turns to the question of the conditions for performative agency with the concept of precarity as defining living in contemporary Neoliberal society. Butler, *Assembly*, 45, 65, 66–98, 118, 124, 131, 177.

success of the act in the moment of its enactment. The February revolutionaries might have proclaimed the Republic in bad faith or could or would not have decided fully to follow through its implications. In other words, they might have abused the act that had successfully been executed.<sup>36</sup> The intention and fulfilment augment the political performative by adding a procedural, temporal dimension to it, extending its relevance and scope to the future.<sup>37</sup> In light of the fact that the Second Republic collapsed in the course of nearly four years, one could ask whether it was the agents and their abusive mode of acting that botched the Republic or whether there were structural obstacles that turned the proclamation into a miscarriage.

In *The Class Struggles in France: 1848 to 1850*, about two years before the end of the Second Republic and the composition of the *Eighteenth Brumaire*, Marx wrote, “The bourgeoisie has no king: the true form of bourgeois rule is the republic.”<sup>38</sup> The rule of one class over other classes would not qualify for the “universality of French citizens” as claimed in Article I of the Constitution unless we conceive of this universality solely as legal equality of all regardless of their social and class status. It seems that, so far as it leaves intact property relations, bourgeois politics falsifies the content just as monarchy did. For Marx, this signaled the contradiction in the form of monarchy. In the case of bourgeois democracy, the contradiction takes the form of an antinomy. The antinomy arose because the real conditions that underlay the proclamation of the republic as an autonomous and valid form came into conflict with the essential claim of that form, whereas both remain necessary for sustaining the republic as a

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<sup>36</sup> Austin clearly distinguishes between the first four and the last two conditions. While the absence of any of the first four conditions would end up in “misfire,” that is, an unsuccessful or infelicitous performative, the absence of any of the last two would lead to an abuse of the act that *is* achieved. See Austin, 16.

<sup>37</sup> For a concise programmatic reconstruction of the concept of the political as a procedure, in a manner not entirely alien to Austin’s ways, see Alain Badiou, *Metaplatonics*, trans. Jason Barker (London: Verso, 2012), chap. 10: “Politics as Truth-Procedure,” 141–152.

<sup>38</sup> “Die Bourgeoisie hat keinen König, die wahre Form ihrer Herrschaft ist die Republik.” Karl Marx, *Surveys from Exile*, vol. 2 of *Political Writings*, ed. David Fernbach (New York: Vintage, 1974), 68; MEW 7: 40.



legitimate body. These were summed up by Marx under the capitalist mode of production in its different moments.

## § 2 THE CONSTITUENT CONTENT: THE PRESUPPOSITIONS OF THE REPUBLIC

In his short and compact essay called “Society” Adorno makes a passing remark on the nature and place of conflict in 1848 that directly speaks to Marx’s position in the *Eighteenth Brumaire*. Of the time around 1848 Adorno writes that “the relation of classes manifested itself as a conflict between the society-immanent group, the bourgeoisie, and the proletariat finding itself halfway outside it” (GS 8: 17).<sup>39</sup> This conflict in the aftermath of 1848 differed from the struggle between the nascent bourgeois society and the monarchical rule in 1789. The distinction between the two kinds of conflict is operative throughout the *Eighteenth Brumaire*. For Marx, the first or old French Revolution set up “modern *bourgeois* society,” created the conditions for “free competition . . . parceled landed property . . . and unchained industrial productive forces” (B: I. 104). It was a bourgeois revolution against the old aristocratic and feudal forces in French society with their reign over big landed properties.<sup>40</sup> But, as the early developments after the 1848 Revolution revealed, at issue was no longer the question of “republic or monarchy” but that “here *bourgeois republic* signifies the unlimited despotism of

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<sup>39</sup> “[Das] Klassenverhältnis sich als Konflikt zwischen der gesellschaftsimmanenten Gruppe, der bürgerlichen, und der halb draußen befindlichen, dem Proletariat manifestierte. . . .”

<sup>40</sup> Marx’s characterization of the French Revolution as a bourgeois revolution against feudal relations has seen a heated controversy specially since the 1950s. For a summary of some of the major objections and a defence of Marx’s position, see Richardo Duchesne, “The French Revolution as a Bourgeois Revolution: A Critique of the Revisionists,” *Science & Society* 54, no. 3 (Fall 1990): 288–320. This issue of *Science & Society* is devoted to “The French Revolution and Marxism” (guest editor: Bernard H. Moss). For an extensively researched study on the category of “bourgeois revolution,” from the English Revolution to 1848, and from before the rise of Marxism to the twentieth-century revisionist positions, see Neil Davidson, *How Revolutionary Were the Bourgeois Revolutions?* (Chicago: Haymarket, 2012). See esp. 332–485 on revisionism.

one class over other classes” (B: I. 111). In the aftermath of 1848, the goal that the 1789 revolutionaries had sought, the republic and the overthrowing of the monarchy, had been achieved, yet the conflicts had not ceased but were internalized in the republic between its major actors. Such a republic-immanent, or society-immanent, conflict ran its course up to the end of the Second Republic when a false or indeed farcical resolution was given to it by the figure of Louis Bonaparte.<sup>41</sup>

If the view of the Republic during the revolutionary prologue can be called naïve on account of the autonomy and the break with the previous forms of government that the revolutionaries were convinced it had to offer, the other view on the form of the Republic as the rule of one class over all others can be described as ironic. The Republic claims that it represents the universality of the French citizens whereas in fact it presents the best form for the rule of capital by representing only one class of the people. Here Marx adopts a historical standpoint on the presuppositions of the rise of the Republic and thus turns to the determination of the Republic through its constituent social content. The protagonist of Marx’s historical narrative is the smallholding peasant. The making of this class was accompanied by the evermore centralized state power since the French Revolution and, more

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<sup>41</sup> The “time around 1848” is significant for Adorno for although what came afterwards managed to resolve the conflict, it did so by integrating all social forces of resistance into what Lenin would call an ever-perfected state machine (289) and Adorno would call a totally administered world (GS 10. 2: 506, 772, 797). The context of this remark is a discussion of the process of socialization (in Herbert Spencer). Adorno goes on to state that in stark contrast to this period when there still remains an active conflict, modern society managed to integrate all individuals and groups without allowing any differentiation within itself. By differentiation he means the capacity of individuals to know themselves as subjects. The medium of this socializing integration without differentiation according to Adorno is a process that Marx had not yet fully articulated by the time he wrote the *Eighteenth Brumaire* but only a few decades later in *Capital*: the “valorizing law of capital” and the compulsion of the market to have all the consumers to adapt themselves to its demands (C: 18). If the body of Marxist tradition, from Lenin to Poulantzas, stresses the importance of the state with its repressive apparatuses in the workings of post-1852 bourgeois society, Adorno, like Althusser, tends to highlight what the latter calls the ideological apparatuses of the state: from schools and churches to communication venues and manifestations of culture industry. See Louis Althusser, *Lenin and Philosophy and Other Essays*, trans. Ben Brewster (New York: Monthly Review, 2001), 85–127, esp. 101–103. Adorno’s relation to the *Eighteenth Brumaire* is rarely noted. For a take on the importance of the conclusions of Marx’s work and the period in question for Adorno’s thought see Larsen’s *Modernism and Hegemony: A Materialist Critique of Aesthetic Agencies* (Minneapolis: University of Minnesota Press, 1990), 9–11.

structurally, by the development of the capitalist mode of production. Before turning to the role of this protagonist in the life of the Republic, I should make a note on the significance of the social content of the Republic both for Marx and the February revolutionaries.

The Marx of 1850 had ceased to use the term “democratic republic” approvingly. His name for a republic that was not merely the form of the bourgeois rule was now social republic (“soziale Republik”). Social republic promised the unity of the political form of the republic and its social content. It was an ideal advocated by the socialists and the workers. In Marx’s words with regard to the prologue period, “Every party construed it [the Republic] in its own way. Having secured it arms in hand, the proletariat impressed its stamp upon it and proclaimed it to be a *social republic*” (B: II. 109/16).<sup>42</sup> A socialist pamphleteer of the time concisely articulates what is at stake in this idea:

The social republic attacks property first and foremost. How could it respect it? Society says, with justice and reason: unity of the law for all, equality of rights for all; but diversity, inequality of fact [or what is the case], in partitioning of the goods. The social republic responds: the same sum of goods to be apportioned to all; equality in rights, equality in fact.<sup>43</sup>

The two aspects of the social republic are designated in the passage by the legal equality and factual equality or equality in receiving the goods produced in society. From the standpoint of the (best) advocates of the social republic, or the socialists, only the unity of both forms of

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<sup>42</sup> “Jede Partei deutete sie in ihrem Sinn. Von dem Proletariat, die Waffen in der Hand ertrotzt, prägte es ihr seinen Stempel auf und proklamierte sie als *soziale Republik*. So wurde der allgemeine Inhalt der modernen Revolution angedeutet . . .”

<sup>43</sup> “La République sociale attaque d’abord la propriété. Comment pourrait-elle la respecter? La société dit, avec la justice et la raison: unité de lois pour tous, égalité de droits pour tous ; mais diversité, inégalité de fait, dans la répartition des biens. La République sociale répond: la même somme de biens appartient à tout; égalité dans le droit, égalité dans le fait.” M. J. Langlais, *La République sociale. Lettres a un électeur de la Sarthe*. European pamphlets, vol. 22 (Paris : Sablé, 1850), 26.

equality, legal and factual, could satisfy the desideratum of social republic.<sup>44</sup> This distinction echoes that of the young Marx's between the political state or the abstract form of the republic, and the civil society. If the unity of both for him amounted to democracy or democratic republic, now, instead of democratic, Marx tends to use the adjective social. As Draper puts it, social republic "means carrying through the revolution from its merely political phase. This is what gives it an antibourgeois bite," for a social revolution would have to come to terms with the question of factual equality and distribution of the fruits of labor.<sup>45</sup> According to the pamphleteer, what stands in the way of this legal-factual unity, or universal-particular unity in Marx's early terminology, is property. A republic bereft of this unity was dubbed a bourgeois or democratic (or bourgeois-democratic) republic.<sup>46</sup>

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<sup>44</sup> Equality of all citizens before the law makes for a principle of the republic. The first proclamation of the Provisional Government, stating that the government wants a republic to be ratified by the people, points to the trinity of liberty, equality, and fraternity as principles underlying the republic. See *Actes officiels*, 2.

<sup>45</sup> Draper, *Marx's Theory of Revolution*, vol. 2, 205. For an example of labor demands set forth by the workers in the aftermath of the 1848 Revolution, see the statement published in the first issue of the *Journal des travailleurs* founded by the workers' delegation to the Government Commission for Workers known as the Luxembourg Commission. Jacques Rancière and Alain Faure, *La parole ouvrière: 1830–1851* (Paris: La Fabrique, 2007), 298–301. The statement demands the right to work, the right to association, the termination of the word and idea of exploitation, the right to enjoy the products of labor.

<sup>46</sup> To get a sense of the conflict inherent in this issue, it should be noted that even a politician and thinker of the caliber of Tocqueville did not hold the view that the two kinds of equality, the bourgeois-democratic and the socialist, were reconcilable. At one of the meetings of the National Assembly in 1848 around the place of the right to work in the Constitution, as he speaks of the affinity between democracy and socialism in their emphasis on equality, he urges his audience to remark the "difference: democracy wants equality in liberty, and socialism wants equality in gene and in servitude" 'différence: la démocratie veut l'égalité dans la liberté, et le socialisme veut dans la gêne et dans la servitude.' *Œuvres, Papiers et Correspondances*, vol. 3 (Paris: Gallimard, 1951), 179. See also the discourse on socialism (189–190). Even so, Tocqueville was well aware of the key bone of contention in the period of the Second Republic and its difference from previous political conflicts in France. By drawing upon one of his earlier speeches, in 1847, he writes, "The time will come when the country will find itself once again divided between two great parties. The French Revolution which abolished all privileges and destroyed all exclusive rights, has allowed one to remain, that is property." *The Recollections of Alexis de Tocqueville*, trans. Alexander Teixeira de Mattos (Westport, CT: Greenwood, 1979), 10. On a similar note, August Blanqui, the voice of radical, Jacobin republicanism and the proletarian socialism, declares in a pamphlet (26 February 1848), "We are no longer in '93! We are in 1848! The tricolor drapery is not the drapery of the Republic; it is that of Louis Philippe and of the monarchy." *Texts choisis*, ed. V. P. Volgin (Paris: Éditions Sociales, 1971), 110. In other words, the political struggle for establishing the republic, as in 1792–94, is not enough. The struggle is also social and among the forces that are already within the framework of the republic as a political form. But the republic as a mere political form, as merely a system of formal equality, has no other content but monarchy in the shape that it took under Louis Philippe. A concise account of the relation and tension between the radical bourgeois struggle for political representation and the socialists struggle for social revolution, see Shlomo Avineri, *Karl Marx: Social and Political Thought of Marx* (Cambridge: Cambridge University Press, 1968), 212–214.

This was widely in keeping with his and Engels' view in the *Manifesto of the Communist Party* two years prior, just before the 1848 Revolution. They wrote, "the bourgeoisie has at last, since the establishment of modern industry and of the world market, conquered for itself, in the modern representative state, exclusive political sway. The executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie."<sup>47</sup> The defining feature of the *Manifesto* and *Class Struggle* views of the representative state is their tendency to conceive of the bourgeoisie as a more or less unified ruling class that has the state as an instrument at its disposal.<sup>48</sup> Both elements of this view, the class unity of the bourgeoisie and the state as an instrument for bourgeois rule, would change two years later in the 1852 *Eighteenth Brumaire*, where, according to Lenin, Marx was to take "a tremendous step forward" from the "extremely abstract manner" and the "most general terms" of the *Manifesto*.<sup>49</sup> Not only would the factious struggles emerge within the French big bourgeoisie, and between this bloc and the bourgeois masses in society, the state as the executive power of the Republic would rise as a powerful, independent force. This situation fully emerged only when the Republic was in its mature form. Before the *Eighteenth Brumaire* there was no report of any inevitable conflict of this sort in Marx's works.<sup>50</sup>

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<sup>47</sup> Karl Marx, *The Revolutions of 1848*, vol. 1 of *Political Writings*, ed. David Fernbach (London: Verso, 2010), 59.

<sup>48</sup> Apart from the experience of the first half of the Second Republic, up to 1850, when he refers to the representative state, Marx must have had three cases in view: The First Republic in France from 1792 to 1799, when it was struck down by Napoleon's coup d'état on 18<sup>th</sup> of the revolutionary month of Brumaire, especially the less radical, more liberal-bourgeois period after the Jacobin Terror: 1794–11799; the parliamentary monarchy in the Great Britain, and the newly founded federalist Republic in the United States. For a discussion of the bourgeois class state, See Richard N. Hunt, *The Political Ideas of Marx and Engels, vol 2: Classical Marxism 1850–1895* (Pittsburgh: University of Pittsburgh Press, 1974), 64–99.

<sup>49</sup> V. I. Lenin, *The State and Revolution*, 289.

<sup>50</sup> The introduction of social differentiations in the form of class division poses a number of problems with regard to any Marxist theory of form and the state form. As Hall draws attention, the application of the "determinations" placed by "objective conditions over the political resolutions" became increasingly unrelenting and widespread in Marx. Stuart Hall, "The 'Political' and the 'Economic' in Marx's Theory of Classes," in *Class and Class Structure*, ed. Alan Hunt (London: Lawrence and Wishart, 1977), 40.

Marx's account of the lineage of the conflict between the social content of the Republic and its political form goes beyond the case of the Second Republic. In his view, the Republic during 1848–1851 inherited the double historical situation of an ongoing state-building and social fragmentation. The social forces, the army of laborers, artisans, smallholders, as well as the hordes of the property-less, the rabble and the lumpenproletariat did not find their proper expression in the parliamentary Republic. The failure of the form of the parliamentary Republic would show itself in the allegiance between its excluded social content, represented by the enormous population of the smallholding peasants, and the executive power of the state. As Marx writes of the collusion of the peasants with the Bonapartist state later in the life of the Republic, “The political influence of the small-holding peasants, therefore, finds its final expression in the executive power subordinating society to itself” (B: VII. 188). His famous characterization of this class as a sack of potatoes rests on the claim that the isolated peasants could not form a meaningful social unity translatable into political form proper. Marx characterizes the smallholding peasants thus:

The smallholding peasants [*Parzellenbauern*] form a vast mass, the members of which live in similar conditions but without entering into manifold relations with one another. Their mode of production isolates them from one another instead of bringing them into mutual intercourse. The isolation is increased by France's bad means of communication and by the poverty of the peasants. Their field of production, the smallholding, admits of no division of labour in its cultivation, no application of science and, therefore, no diversity of development, no variety of talent, no wealth of social relationships. Each individual peasant family is almost self-sufficient; it itself directly produces the major part of its consumption and thus acquires its means of life more through exchange with nature than in intercourse with society. A smallholding, a peasant and his family; alongside them another smallholding, another peasant and another family. A few score of these make up a village, and a few score of villages make up a department. In this way, the great mass of the French nation is formed by

simple addition of homologous magnitudes, much as potatoes in a sack form a sack of potatoes. (B: VII. 187/119)

In light of this vast population that, thanks to their position in the capitalist mode of production, are incapable of forming a unity that could rise above particular interests, the real trial of social republic as the modern political form par excellence fully appears. The logic of parcellation runs counter to the logic of making political wholes capable of resisting disintegration. The smallholding peasants' little shares of the previously massive portions of the land were indebted to the land reforms carried out by the first French Revolution. On the one hand, this class formed itself following the fragmentation of the land in the countryside in the wake of the overthrowing of the landed aristocracy; on the other hand, however, it "supplemented free competition and the beginning of big industry in the town" (B: VII. 190/122). The isolated peasants, which despite their communal life never really formed a class according to Marx, helped the nascent, accumulating capital extract profits from partitioned lands not previously possible on a large and productive scale. Accompanying the peasantry as a class in its historical becoming was the rise of the centralized state.

Marx writes of the emergence of an all-powerful state power in France in the wake of its first Revolution:

This executive power with its enormous bureaucratic and military organisation, with its extensive and artificial state machinery, with a host of officials numbering half a million, besides an army of another half million, this appalling parasitic body, which enmeshes the body of French society like a net and chokes all its pores, sprang up in the days of the absolute monarchy, with the decay of the feudal system, which it helped to hasten. The seignorial privileges of the landowners and towns became transformed into so many attributes of the state power, the feudal dignitaries into paid officials and the motley pattern of conflicting medieval plenary powers into the regulated plan of a state authority whose work is divided and centralised as in a factory. The first French

Revolution, with its task of breaking all separate local, territorial, urban and provincial powers in order to create the civil unity of the nation, was bound to develop what the absolute monarchy had begun: the centralisation, but at the same time the extent, the attributes and the agents of governmental power. Napoleon perfected this state machinery. (B: VII. 185/116–117).

Breaking the old feudal relations of production and administration set in motion the social forces and opened up the scene for accumulating a power that was increasingly becoming concentrated. This new “civil unity of the nation” with its paid officials, however, went hand in hand with a new form of fragmentation of the nation: division of work among the functionaries of the state. Hinting at the connivance of the state machinery and capitalist production, Marx’s metaphor for this division is factory: “a state authority whose work is divided and centralised as in a factory.”<sup>51</sup> If a fragmented society and fragmented landed property became the suitable stuff for governing, then the smallholding peasants as a class could potentially become the proper ally of the state power.<sup>52</sup>

This relation between smallholding peasants and the nascent bourgeois rule in France ceased to be as harmonious during the Second Republic as it was under Napoleon the first,

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<sup>51</sup> A few years before Marx had laid out his theory of the increasing independence and self-organization of the state with regard to the bourgeois society as the latter broke away from the traditional forms of cooperation. The following passage from *The German Ideology* (co-authored with Engels) offers a clear account:

“The bourgeoisie, because it is a *class*, no longer a *estate* [*Stand*], has been forced to organize itself nationally, no longer merely locally, and to give its average interests a universal form. Through the emancipation of private property from the commonwealth [*Gemeinwesen*] has the state become a particular existence next to and outside of the bourgeois society; it is, however, nothing further than the form of organization that the bourgeois, both externally and internally, give themselves by necessity in order mutually to guarantee their property and their interests. The independence of the state nowadays emerge in those countries where the estates have not fully developed themselves into classes, where the estates dispelled in the advanced countries still play a role and there exists a mixture, and in which, therefore, no part of the population can gain rule over the rest. This is, namely, the case in Germany.” MEW 3: 62.

<sup>52</sup> In a very useful interpretation, Negt and Mohl take the smallholding peasant, this “hidden secrets of patriotist state spectacle,” as the “elementary form” of the Bonapartist state in the same way that Marx later in *Capital I* would take commodity as the elementary form of the wealth of capitalists societies. Oskar Negt and Ernst-Theodor Mohl, “Marx und Engels: der unaufgehobene Widerspruch von Theorie und Praxis,” in *Pipers Handbuch der Politischer Ideen*, vol. 4 (Munich: Piper, 1985), 486.



according to Marx. He points out the ramifications of the existence of an ever-powerful state, allied with capital, and the impoverishment and misery that it had generated both in the countryside and the town (see B: VII. 191/123–124). For this reason, Marx holds, the omnipotence of the state power did become a problem with the rise of the economically frustrated, indebted smallholding class that stepped into the political scene on 10 December 1848, when Bonaparte was elected as the president of the Republic. The peasantry, thus, had their revenge against the bourgeois republic by electing Louis Bonaparte.<sup>53</sup>

With Marx's account of the smallholding peasants as a key moment in the social content of the Republic we get a clear sense of the robust difficulty involved in the republican experiment: justifying its political form by fully representing what it contains. This content turned out to be essentially fragmented and incapable of taking form. Essential because of the very structure of the peasant class preceding the formation of the Republic. The peasantry's relation to the state through taxation and to the capitalist production through parceled lands providing raw materials for rising industries, "this enslavement by capital" (VII: 190), made it

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<sup>53</sup> His full account of this rise is given in *Class Struggle* (The *Eighteenth Brumaire* refers the reader to that account, B: II. 119/29). That the peasants all together voted for Louis Bonaparte and not the republican candidate Cavaignac—the former general in charge of crushing the June 1848 insurrection and the visible face of bourgeois republicanism—owed to their frustration with the post-February taxation. To settle its budget deficit after the Revolution, the Provisional Government had already started imposing a new tax on the peasantry, 45 centimes in the franc, on a number of goods. To pay its debts and grant credits to its bourgeois rentiers, bankers, industrialists, the state sacrificed the peasantry, according to Marx. Compare these two passages by Marx from 1850 and 1852 as regards the role of the peasantry:

While the revolution of 1789 began by relieving the peasant of his feudal burdens, the revolution of 1848, the revolution of 1848 introduced itself to the rural population by levying a new tax, in order not to endanger capital and in order to keep the machinery of state running." *Surveys from Exile*, 51.

[10 December 1848] was a *reaction of the peasants*, who had had to pay the costs of the February revolution, against the remaining classes of the nation, a *reaction of the country against the town*. B: II. 119/29–30.

These programmatic statements on the contribution of two French Revolutions both to the rise of modern bourgeois state and at the same time to the internal, social threats to that state remain highly abstract. Marx offers his historical account both here and in the last, interpretive chapter of the *Eighteenth Brumaire*. This is a meaningful decision in terms of the mode of presentation of his case. Meaningful because of the dual contribution of the peasantry: the one time in electing Bonaparte and the second time in supporting his later moves up to the coupe d'état.

a massive class in the French society of the mid-nineteenth century that rendered the social content of the Republic inherently contradictory.

The making and features of the peasantry as laid down by Marx may appear as a contingent historical development specific to France since the late eighteenth century. The making and role of this class in Great Britain, Holland, Germany, Japan, and other countries is bound to display striking differences. Yet, the variety in developments should not conceal the presence of an underlying development that shows common formal features wherever capital sets foot. According to *Capital*, the smallholding peasantry in itself was not the sign of a full-fledged capitalist production; it proved, however, a moment of its arising in the form of fully socialized industrial production in which the majority of the population emerged as wage laborers. Capital was to extend its rule over agriculture, subsuming all forms of products and all forms of labor, but first by expropriating “a part of the agricultural population”: “Formerly, the peasant family produced means of subsistence and raw materials, which they themselves for the most part consumed.” With the development of capitalist production, “These raw materials and means of subsistence have now become commodities; the large-scale farmer sells them, he finds his market in the manufactures.” The role of the smallholding peasants was to provide “raw materials” (C: 910–911).<sup>54</sup> This process was set in motion in Britain in the fifteenth and sixteenth century, while in France it started in the late eighteenth century.<sup>55</sup>

Viewed from this structural perspective, fragmentation of society, the land rents, the money form and, most of all, the rise of the wage labor create both the presuppositions and

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<sup>54</sup> The smallholding peasantry, or the agrarian relations of class and landed property such, as a key moment of the rise of capitalist mode of production in Europe is not free of controversy in the political economy literature. See *The Brenner Debate: Agrarian Class Structure and Economic Development in Pre-Industrial Europe*, ed. T. H. Aston and C. H. E. Philton (Cambridge: Cambridge University Press, 1985).

<sup>55</sup> Marx’s account of the historical process of accumulation of capital mainly looks at this development in England and Northern Ireland. See C: Part Eight, 873–943.

the results of the emergence of capital, according to Marx. In the third part of this chapter I proceed to consider the antinomy of the Republic, its relation to the capital form, and the specific manifestation of the antinomy in the political life of the Second Republic.

### § 3 THE ANTINOMY OF THE REPUBLIC: THE POLITICS OF CAPITAL

On the account of the preceding sections, we are in a position to formulate the antinomy of the republic in the following terms:

THESIS: The Republic proclaims itself as a self-determining body politic that represents all the people.

ANTITHESIS: The Republic is determined by capital and thus represents the rule of one class over all the people.

We have an antinomy here because the same phenomenon, the French republic, can be viewed from the standpoints of two opposed yet equally valid determinations. From the thetic standpoint, the Republic is treated as an already constituted structure that stands in itself in virtue of its being proclaimed by the February revolutionary agents. Of an essentially political nature, this standpoint regards the existence of the Republic in its own terms from the moment it was called into being by a performative act, hence as determined through form alone. France constitutes itself as a republic, and neither in the oral proclamation from the balcony of Hôtel de Ville in Paris nor in the written text of the Constitution months later is there any recourse to the conditions for the arising of the Republic except the will of the people in France. The political form of the Republic owes its validity to the presence of the conditions for the success of the proclamation act. The Republic appears in the eyes of the revolutionary agents as a break with previous forms of body politic, especially monarchy, separating itself from other

principles of organizing such as family, religion, money, birth, race. In Marx's words, "The February revolution was a surprise attack, a *taking* of the old society *unawares*, and the people proclaimed this unexpected *coup de main* as a deed of historic importance, ushering in the new epoch" (B: I. 106).

The other standpoint, which offers the antithetical determination and is of a more theoretical and not necessarily political nature, looks at the historical presuppositions of the arising of the Republic, viewing it in its determination through the content of forces that delimit the boundaries of the Republic as a form. It turns to the conditions prior to the rise of the republic and those in which the republic currently finds itself situated as a result of those conditions: wage labor, parceled landed property, smallholding peasantry, the laws of private property, the rule of exchange value. In this respect, the Republic cannot lay claim to autonomy because those conditions, which Marx recapitulates with the concept of the capital form, contradict the self-determination of the Republic. Capital emerges as a force generating a social content that is inherently contradictory and incapable of forming itself as a harmonious unity of all classes in the fashion that the Republic promised to realize. The core problematic of the *Eighteenth Brumaire*, I believe, can be found in the way in which these two standpoints relate to each other. The Republic confronts us with an antinomy because both views on it necessarily hold true yet come into conflict theoretically and practically. In the case of the autonomy of art in chapter one we encountered the identical structural problematic. That is, the work of art separates itself from its genesis to gain its autonomy, and yet this separation is historically determined by capitalist society.

If it generates inherently contradictory social content, then why does capital, as a present force at the time of the making of the Republic—and then consequently the Republic itself—need to be considered as a historical phenomenon, that is, diachronically? Would a

synchronic consideration of capital not suffice to account for the conflictual content of the political form of the Republic? I justify a diachronic view in two respects. In order for capital to serve as a condition of possibility for the Republic, it must precede the latter. As yet not in possession of a fully worked out analysis of the form of capital in general and in separation from its historical emergence, Marx himself in the *Eighteenth Brumaire* refers to the history of the capital formation before the Second Republic, tracing it down to the late-eighteenth-century French developments (the rise of smallholding peasants, wage labor, property laws, centralization of the state, taxation). But what is the relevance of this historical, diachronic view in respect of capital as a condition of impossibility for the Republic? To answer, we should note that the very relation between the synchronic and the diachronic will turn into a key methodological question not only in the later Marx but also in subsequent Marxist thought.

The relation between an existing structure and its historical genetic presuppositions would grow into a key problematic of method as Marx proceeded after 1852 to his investigation of the capitalist mode of production. Comparing the two ways that this problematic appears in the *Eighteenth Brumaire* and in Marx's later works, despite their striking differences, will prove useful for the argument that I am proposing here. In what follows, I do not intend to suggest that the form-content relation in the Republic is the same as the form-content relation in capital. The comparison, at least in this chapter, solely serves to work out a conceptual tool for grasping Marx's operation in the *Eighteenth Brumaire* from the perspective of his later analysis of capital. As regards the pamphlet on its own terms, Marx merely refers to "capital" without going into any theoretical reflections on its specific formation, its historical presupposition, and all the methodological considerations that such an inquiry would yet prove to call for.

The result of more than two decades of preoccupation with British and French political economies since the 1840s, the problematic in Marx's post-1852 studies asks: To understand the capitalist mode of production, should we study the historical development of previous forms leading up to the arising of the capital, with presuppositions such as the money form, land rent, and wage labor, or should we examine the formal structure of capital in its already realized, most advanced form through abstract economic categories? Should our point of departure, that is, be the becoming or genesis ("Werden," "Entstehen") of the capital or its existence ("Dasein")? (See MEW 42: 372). Marx's key innovation in critical political economy during the late 1850s and early 1860s was the methodological insight that the "presuppositions, which originally appeared as conditions of its [that is, capital's] becoming – and hence could not spring from its *action as capital* – now appear as results of its own realization, reality, as *posited by it – not as conditions of its arising, but as results of its presence*."<sup>56</sup> Thus, instead of starting with the general concept of production and tracing down its variegated shapes across ages to arrive at its present form, as was the *Grundrisse*'s primary strategy, in *Capital* Marx starts his investigation with the elementary unit of wealth as it appears in capitalist societies, that is, commodity.<sup>57</sup>

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<sup>56</sup> "Diese Voraussetzungen, die ursprünglich als Bedingungen seines Werdens erschienen – und daher noch nicht von seiner Aktion *als Kapital* entspringen konnten – erscheinen jetzt als Resultate seiner eignen Verwirklichung, Wirklichkeit, als *gesetzt* von ihm – *nicht als Bedingungen seines entstehens, sondern als Resultate seines Daseins*." Karl Marx, *Grundrisse: Foundations of the Critique of Political Economy*, trans. Martin Nicolaus (London: Penguin / NLR, 1973); MEW 42: 372.

<sup>57</sup> Since the 1960s and especially in German scholarship, close attention has been paid to the problematic of history and structure in Marx's analysis of capital. Ingo Elbe, "Soziale Form und Geschichte: Der Gegenstand des *Kapital* aus der Perspektive neuerer Marx-Lektüren." *DZPhil*, no. 58 (2010): 221–240, esp. 224. Underlying this account is the following work by Helmut Reichelt, *Zur logischen Struktur des Kapitalbegriffs bei Karl Marx* (Freiburg: ça ira, 2006), esp. 139–150 on the relation between the logical and the historical in Marx's analysis of the capital. See also Michael Heinrich, *Wie das Marxsche "Kapital" Lesen? Leseanleitung und Kommentar zum Anfang des "Kapital"*, vol. 1 (Stuttgart: Schmetterling, 2009), 40–41. In the same vein, for an early, illuminating account of the relation between the logical and the historical, see Alfred Schmidt, *History and Structure: An Essay on Hegelian-Marxist and Structuralist Theories of History*, trans. Jeffrey Herf (Cambridge, MA: MIT Press, 1981), esp. 31–37. For a multifaceted collective discussion on a number of issues in *Grundrisse* in its relation to *Capital*, see *In Marx's Laboratory: Critical Interpretations of the Grundrisse*, ed. Riccardo Bellofiore et al (Leiden: Brill, 2013).

Two essential formal features of the capitalist mode of production for the mature Marx are these: all products take the form of commodity, and labor power itself becomes a commodity to be sold on the market. The former feature can be taken as the sufficient condition of the rise of capital and the latter as its necessary condition. The production of commodities, which presupposes a level of development of the division of labor within society, writes Marx, “is common to many economic formations of society, with the most diverse historical characteristics” (C: 273). Thus, a further condition is needed specifically, and not generally, to determinate the rise of capital proper: “It arises only when the owner of the means of production and subsistence finds the free worker available, on the market, as the seller of his own labour-power. And this one historical pre-condition comprises a world’s history. Capital, therefore, announces from the outset a new epoch in the process of social production” (C: 274). As a highly productive force, however, once arisen on the ground of commodity production and wage labor “*capitalist production* now establishes itself as a mode of production *sui generis* and brings into being a new mode of material production” (C: 1035).

The establishment of capitalist production as a mode of existence *sui generis* grants it the status of a form, that is, a unity of elements organized by an internal principle. It becomes autonomous in that it transforms its relation to its conditions of arising, it comes into being like a living body by separating its ties to the womb. In this respect, Marx speaks of the birth of an organic system:

While in the completed bourgeois system every economic relation presupposes every other in its bourgeois economic form, and everything posited is thus also a presupposition, this is the case with every organic system. This organic system itself, as a totality, has its presuppositions, and its development to its totality consists precisely in subordinating all elements of society to itself, or in creating out of it the

organs which it still lacks. This is historically how it becomes a totality. The process of becoming this totality forms a moment of its process, of its development.<sup>58</sup>

An organic system, such as capital is for Marx, is an autonomous system insofar as, though it remains a historical phenomenon, it appears and functions as an organization that presents itself as ahistorical. While once the wage labor and the money were conditions for the arising of capital as a valorizing force, after capital fully settled itself in Europe wage labor and money became subsumed under capital as its products such that to know them properly would involve grasping the capital form. So, knowing the historical emergence of capital does not seem necessary to realize why it generates contradictory content, and yet it is not the case that the question of historical emergence fades away; it only becomes absorbed in the formal analysis of the synchronic structure of a fully settled capital.

If we accept Marx's later insight into the capital form, then it can also prove consequential, retrospectively, for understanding his operation in the *Eighteenth Brumaire*. As a threshold to the works of the mature Marx, the *Eighteenth Brumaire*, on my interpretation, prefigures the above problematic. The Republic as form behaves in a similar fashion, especially from the perspective of the revolutionary agents proclaiming and defending it. While the Republic has historical presuppositions, at the time of its proclamation and constitution it asserts itself as already presupposed. However, unlike Marx's later analysis of the capital form, in the form of

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<sup>58</sup> Karl Marx, *Grundrisse*, 278. "Es ist zu bedenken, daß die neuen Productivkräfte und Productionsverhältnisse sich nicht aus *Nichts* entwickeln, noch aus der Luft, noch aus dem Schooß der sich selbst setzenden Idee; sondern innerhalb und gegensätzlich gegen vorhandene Entwicklung der Production und überlieferte, traditionelle Eigenthumsverhältnisse. Wenn im vollendeten bürgerlichen System, jedes ökonomische Verhältniß das andre in der bürgerlich-ökonomischen Form voraussetzt und so jedes Gesetze zugleich Voraussetzung ist, so ist das mit jedem organischen System der Fall. Dieß organische System selbst als Totalität hat seine Voraussetzungen und seine Entwicklung zur Totalität besteht eben [darin], alle Elemente der Gesellschaft sich unterzuordnen, oder die ihm noch fehlenden Organe aus ihr heraus zu schaffen. Es wird so historisch zur Totalität. Das Werden zu dieser Totalität bildet ein Moment seines Prozesses, seiner Entwicklung." "Grundrisse," in *Marx-Engels-Gesamtausgabe* (MEGA), II/1.1 (Berlin: Dietz, 1998f), 1, 201.



the Republic the problematic of existence and genesis retains its double character throughout the analysis because of the unity of opposed determinations contained in the Republic: it is both self-determined as an organic system and at once determined by capital. That is, naively the Republic is autonomous for the agents, while, ironically, for Marx, the Republic is the fittest form for the joint rule of the competing fractions of French big bourgeoisie.<sup>59</sup> Because Marx's double standpoint in the *Eighteenth Brumaire* does not reduce one determination of the Republic to the other, the antinomy of political form as self-determination and social content as determination through capital persists. The naïveté of the actors does not rule out the validity or success of their act. Accusing Marx of being interested merely in the economic conflicts in civil society with no regard for democratic procedures or in politics as a separate sphere rests on wobbly premises.<sup>60</sup> In the case of the capital form, however, there exists no antinomy for Marx.

In light of this view of the Republic as an antinomic unity of opposed determinations, any interpretation of the *Eighteenth Brumaire* needs to show how (1) this antinomian unity is made possible and why it falls apart, and how (2) the antinomy manifests itself in the concrete life of the Republic. I take Marx to hold in the *Eighteenth Brumaire* that the capacity to bring about

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<sup>59</sup> With regard to later development in the Republic Marx writes, "After having founded a republic for the bourgeoisie, driven the revolutionary proletariat out of the field and reduced the democratic petty bourgeoisie to silence for the time being, they [bourgeois republicans] are themselves thrust aside by the mass of the bourgeoisie, which justly impounds this republic as *its property*. This bourgeois mass was, however, *royalist*. One section of it, the big landowners, had ruled during the *Restoration* and was accordingly *Legitimist*. The other, the finance aristocracy and big industrialists, had ruled during the July monarchy and was consequently *Orleanist*. The high dignitaries of the army, the university, the church, the bar, the Academy and of the press were to be found on either side, though in various proportions. Here, in the bourgeois republic, which bore neither the name *Bourbon* [the house ruling during the *Restoration*] nor the name *Orleans*, but the name *Capital*, they found the form of state in which they could rule *conjointly*." B: II. 120/30.

<sup>60</sup> I would refer in particular to the French historian François Furet's revisionist critique of Marx. When discussing Marx's interpretation of the 1848, December, election of Bonaparte for president with the help of the peasantry and the lumpenproletariat, which, for Marx prefigured the Bonapartist assault on the bourgeois Republic, Furet writes, "Marx never extensively analyzes the impact of democratic procedures on the political sphere, quite simply because it does not interest him, obsessed as he never ceased to be with the reduction of the political sphere to the opposing interests in civil society." François Furet, *Marx and the French Revolution*, trans. Deborah Kan Furet (Chicago: University of Chicago Press, 1988), 88.

such a complex and contradictory form of the political as is the case in the Republic belongs to the peculiar nature of the capital form whose structure he by 1852 was not yet in a position to articulate. It has not been my intention here to argue that the republic as a unity of opposed determinations is structurally or actually identical with that of the capital in Marx's later account. Whether or not such a line of argumentation can be pursued, it simply does not fit into the scope of the present chapter. I contend instead that the antinomy of the Republic does have a bearing on the form of capital in its relation both to social life and its political expression. In other words, capital does enforce its own politics.<sup>61</sup> I will next show that the key to grasping the *Eighteenth Brumaire* is to recognize that the antinomy of the Republic is presented as manifesting itself politically, that is, in the form of inevitable conflicts and dilemmas that the actors encounter on the political scene.

In the absence of a mature analysis of the form of capital, political narrative was the main mode of presentation that Marx had at his disposal—fittest for his subject matter, the bourgeois politics—when it came to the question of an historically determined antinomy arising from the nature of capitalist mode of production. Political narrative, however, was not merely a makeshift for economic analysis. Rather, there is a necessary relation for Marx between the political life and the capital form. Doing justice to Marx's operation in the *Eighteenth Brumaire* calls for grasping this relation.<sup>62</sup>

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<sup>61</sup> For a thorough discussion of the political content of different stages of capitalist development and different levels of abstraction in analyzing the form of capital, from simple circulation and the money form to the general logic of self-producing capital, in Marx, see Patrick Murray, *Marx's Theory of Scientific Knowledge* (Atlantic Highlands, NJ: Humanities Press International: 1988), 195–207.

<sup>62</sup> Insofar as the relation between political development and capitalist mode of production may be taken as the relation of a stage of particular events and acts on the one hand and, on the other, the underlying structure of universal forces, social explanations have encountered a number of tricky problems: Should one start with the structure or with its concrete manifestations? Is the political thoroughly determined by the economic or does that form an autonomous sphere of its own? For a thorough discussion of the problematic of holism vs. individualism in Marxist tradition, especially in Althusser and Poulantzas, see Susan James, *The Content of Social Explanation* (Cambridge: Cambridge University Press, 1984). See esp. the chapter "The Framework Applied: Poulantzas," 118–146.

Social class struggle, for which the *Eighteenth Brumaire* offers a dramatic scene, is at the same time political struggle. As Marx notes in 1847, “The political power is the official expression of the class contrast within the bourgeois society. . . . There is no political movement that would not simultaneously also be a social movement.” In fact, as we saw him arguing in his early writings such as “On the Jewish Question,” Marx seems to be holding that it is only in bourgeois society that the social differentiates itself from the political, “Where there are no classes and no class contrast, the *social evolutions will cease to be political revolutions*.”<sup>63</sup> If the political conflicts as empirically recounted in the *Eighteenth Brumaire* do not arise and are not taken into account, the antinomy will prove to be an irrelevant abstract concept. But, equally, the conflicts arise because the political form in capitalist society cannot become the form of its content, hence failing to claim its autonomy. While the antinomy stems from the conflict between the two necessary sides of the Republic, that is, political form and social content, the way that the antinomy appears takes the shape of politics. Indeed, the solution that practically was given to the antinomy at the cost of the collapse of the Republic, in Marx’s narrative, was of a political nature: the Bonapartist centralized state.<sup>64</sup>

In rough accord with the tripartite periodization of the Republic, Marx detects three distinct shapes that the form of the Republic took following two transformations along the course of

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<sup>63</sup> “die politische Gewalt der offizielle Ausdruck des Klassengegensatzes innerhalb der bürgerlichen Gesellschaft ist. . . . Es gibt keine politische Bewegung, die nicht gleichzeitig auch eine gesellschaftliche wäre. Nur bei einer Ordnung der Dinge, wo es keine Klassen und keinen Klassengegensatz gibt, werden die *gesellschaftlichen Evolutionen aufhören, politische Revolutionen* zu sein.” *Das Elend der Philosophie*, in MEW 4: 182.

<sup>64</sup> The Republic collapsed when it lost its unity and, as Marx repeatedly put, disintegrated into its components parts. On three different occasions in his analysis of the events Marx writes:

“The Party of Order was a combination of heterogeneous social substances. The question of revision generated a political temperature at which the product again decomposed into its original constituents.” B: VI. 164/86.

“The attempt at a royalist fusion of Orleanists with Legitimists had thus not only failed; it had destroyed their *parliamentary fusion*, their common republican form, and had broken up the Party of Order into its original component parts.” B: VI. 167/93.

“The National Assembly had become *incapable of transacting business*. Its atomised constituents were no longer held together by any force of cohesion; it had drawn its last breath; it was dead.” B: VI. 178/108.

its constitution: the social republic, the democratic republic, and the parliamentary republic (B: VII. 181–182/111–112). In this development, two turning points can be singled out for their relevance to the question of how the antinomy manifested itself: the 1848 June insurrection and the call for the revision of the Constitution in 1851. Marx calls the former the “most colossal event in the history of European civil wars” in which one class was confronted by all other classes and out of which one class emerged as triumphant (B: I. 110/18). What we are going to witness is the way that, as a result of the exclusion first of the socialists and then of the pure republicans from the scene, one element of the Republic, the state power, subjugated the other element, the legislature, backed up mainly by the smallholding peasantry.

The advocates of the bourgeois-democratic republic, meaning those forces that would only stress the mere political form of the Republic as a system of universal suffrage and democratic representation, bear different names in Marx’s language: tricolor republicans, pure republicans, political republicans, formalist republicans (see B: II. 21, VII: 111). It was this class of republicans that ruled over the Second Republic between June and December of 1848. Their rule was made possible by excluding the proletarian forces during the June Days. On the path leading to the civil war of June and the collapse of the social republic there occurred the event of the 15<sup>th</sup> of May in the National Assembly. The month of May saw the National Assembly’s efforts to install the Republic by establishing its executive as well as legislative powers. An Executive Commission had been appointed to replace the Provisional Government. A group of people, mainly members of the Paris radical left clubs, among them representatives, such as Barbés and Blanc, “violated the Assembly,” as a representative present said.<sup>65</sup> Though it

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<sup>65</sup> As Maurice Agulhon notes, “It also seems likely that, beyond the Poland issue, which was regarded as exemplary and symbolic, the demonstration was intended to express opposition to the retrograde tendency of the policies of May and support for a return to the aspirations of February.” *The Republican Experiment, 1848–*

imposed itself upon the Assembly and made its voice heard, the whole badly organized invasion was a failure. The result was that “the extreme left lost its leaders” in the assembly and the main achievements of the February revolution as a quasi-socialist prologue started fading away. The National Workshops, a loose adaptation of Louis Blanc’s social workshops to guarantee work and livelihood for the masses of French laborers, were abolished, and along with it the Government Commission for Workers (the Luxembourg Commission) was dissolved.<sup>66</sup>

This initial exclusion of the proletarian and socialist forces from the political scene signaled the tensions in the social base of the Republic. What established itself afterwards was the second period of the Republic during which the pure bourgeois republicans took over the executive power and legislature. What matters to us at this point is the significance of the “reaction” from within the largest stratum of French society to the specific form of the Republic as constituted by pure bourgeois republicans. In the absence of the proletarian forces throughout the constituent period, the peasantry, once liberated from the yoke of the feudal lords thanks to the first French Revolution, found itself under the yoke of republican taxation by a deeply indebted state. The election of this new, unexpected figure, Louis Bonaparte, was “met with great approval in the army. . . among the big bourgeoisie, who hailed Bonaparte as a bridge to the monarchy, and among the proletarians and petty bourgeois, who hailed him as a scourge for Cavaignac.” Various groups hailed him for various, even contradictory, reasons.

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1852. (Cambridge: Cambridge University Press, 1983), 52.

<sup>66</sup> As Marx notes in 1850, the right to work shrank into the right to resistance in the Constitution (see *Surveys from Exile*, 69). Moreover, a number of socialist leaders, from Barbés to Albert, Blanqui, Raspail were arrested on the same day (See Agulhon’s glossing over the event, in *The Republican Experiment*, 52–54). The republican newspaper *Le National* wrote in its 16 May issue, “One part of the populace, giving rein to most noble sentiments, associated itself with a demonstration in support of Poland. Under the cover of the demonstration a plot was being mounted against the assembly, against the whole nation, whose life, essence, thought, and energy is expressed by the assembly, in fact against the Republic itself. The sovereignty of the people itself has been attached in this attack upon its representatives.” Qtd. in Price, Roger. *1848 in France* (Ithaca, NY: Cornell University Press, 1975), 98.

The outcome, however, as Marx stresses, was the union of the state and capital by the mediation of taxation in the interest of the bourgeois creditors of the state. Thus, the republicans excluded the socialists, now they are to be excluded by the royalists. The first repetition of the exclusion in the life of the Republic occurred during January 1849 only a month after the Republic had elected its President.<sup>67</sup> With the Constituent Assembly forcibly dissolved and the bourgeois Republicans practically excluded, the Republic did not terminate itself. It only started its complete form with a President, a council of ministers, magistrates, and a Legislative Assembly. The course of its constitution was increasingly running counter to its constituent content.

The parliamentary Republic founded itself in early 1849 upon two exclusions of social forces during the early months of the constituent and constituted periods: the proletariat in June 1848 and the pure republicans in January 1849. The post-February battle between the progressive forces of various grades (the socialists, the pure republicans, the petty bourgeois social-democratic) and the relatively reactionary forces of different agendas (the republicans, the royalists) over their claim to represent the totality of the Republic would reach a decisive point. In the absence of other political rivals, the scene was set for the final life-and-death battle in the Republic: between the royalists of the Party of Order in the Legislative Assembly and the person of Bonaparte in the executive. It came about over the revision question.

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<sup>67</sup> The case in point was a foreign policy decision by the new state. This was about French intervention in the affairs of the newly founded revolutionary Republic in Rome. While the Constitution forbade the executive power to indulge in any unilateral involvement abroad, Bonaparte's council of ministers "resolved on the expedition to Rome, which, it was agreed, should be undertaken behind the back of the National Assembly." The royalist factions of the Party of Order in the Assembly and the head of the ministry Odilon Barrot wanted the Assembly to dissolve itself, "suggesting that its dissolution was necessary for the restoration of credit, for the consolidation of order, for putting an end to the indefinite provisional arrangements and for establishing a definite state of affairs" (B: II. 121). The royalist and Bonapartist forces brought the conflict to the French public and arranged rallies against the Assembly. With the help of the National Guard, the republican Assembly was forced to dissolve itself.

Note that the Party of Order was a coalition of two major factions of the big bourgeoisie: the big landed property represented by the legitimists of House of Bourbon and the finance aristocracy and big industry represented by House of Orleans. As long as these two groups could unify themselves in their social rule, their political differences were merely a semblance. To clarify this point, Marx uses the conceptual pairs of political expression and material interests. Previously, according to Marx, the legitimists of the Restoration period (1815–1830) with their “lords of the soil” and “priests and lackeys,” enjoyed the political expression of monarchy. The Orleanists of the July monarchy, on the other hand, with their scores of “lawyers, professors and smooth-tongued orators,” had constitutional monarchy as their political expression<sup>68</sup>: “What kept the two factions apart, therefore, was not any so-called principles, it was their material conditions of existence, two different kinds of property, it was the old contrast between town and country, the rivalry between capital and landed property” (B: II. 127–128/40). In the same vein, what kept the two factions untied was a set of conditions under which capital and landed property could reconcile with one another, the political expression of which was the parliamentary Republic. This would mean securing a double rule: social as well as political.

Enjoying the majority rule in the Assembly was not sufficient to achieve socio-political unity. Two preconditions needed to be met: socially, the organs were required to rule over the lands, to acquire taxes, to guarantee production, and to preserve order. Politically, the executive or administrative power of the state was needed to ensure an indivisible and unified power. Of the essential relation between political and material interests and the challenge facing the bourgeois rule in uniting these two necessary aspects of its social being Marx writes:

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<sup>68</sup> Tocqueville makes a clear case for the rise of the “middle classes” and the rule of the property under the reign of Louis Philippe during the July Monarchy. See *Recollections*, 2.

But it is precisely with the maintenance of that extensive state machine in its numerous ramifications that the *material interests* of the French bourgeoisie are interwoven in the closest fashion. Here it finds posts for its surplus population and makes up in the form of state salaries for what it cannot pocket in the form of profit, interest, rents and honorariums. On the other hand, its *political interests* compelled it to increase daily the repressive measures and therefore the resources and the personnel of the state power, while at the same time it had to wage an uninterrupted war against public opinion and mistrustfully mutilate, cripple, the independent organs of the social movement, where it did not succeed in amputating them entirely.” (B: IV. 139/54)

The series of exclusions of social forces over the first two years of the Second Republic were instances of crippling the political expression of other classes, correlative to the increasing power of the state machinery to rule over civil society. This arrangement would have worked towards benefiting the Party of Order in the Assembly if only it had successfully secured its alliance with the administrative power of the state. Now with the increasing independence of Bonaparte against the Party of Order, the preconditions started to work against the latter. If the factious unity-in-the-republic of the French big bourgeoisie with their varying material interests—the finance, industry, and trade of the Orleanists and the landed property of the legitimists—had been made possible thanks to the centralized state apparatus, if they had stuck too confidently to the form of the parliamentary Republic as the fittest form for their unification, losing state power would only equal losing their unity. The occasion came about when the revision of the Constitution was put on the agenda in the Assembly. The point of revision was the four-year eligibility of the presidential candidate specified in Article 45 of the Constitution.<sup>69</sup>

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<sup>69</sup> In an 1851 pamphlet titled “Revision of the Constitution” allegedly written by himself, Bonaparte argues at length why he believes the government in France needs to end “the bondage of ministerial power to parliamentary



The Bonapartists in the Assembly were for the revision and the minority republicans, of course, against it as they saw in it the end of the Republic. A revision required three quarters of the entire votes, and because of the republican vote, the issue was constitutionally doomed. What was the position of the royalists of the Party of Order? Should they pursue a revision, jeopardize the Republic, and thereby concede to the continued and extra- and even anti-parliamentary authority of the state power headed by Bonaparte? Or should they side with the minority republicans, reject the revision, and put themselves in the perilous way of a Bonaparte imminently resorting to brute force? But most of all, the latter way would open the gates of the Republic, in the upcoming 1852 presidential elections, to “revolutionary anarchy, with a President who had lost his authority, with a parliament which for a long time had not possessed it and with a people that meant to reconquer it (see B: VI. 164/89). Since they were wanting in a social base, unlike Bonaparte’s army of lumpenproletariat and peasantry, they saw the light of an autarchic Bonaparte at one end of the tunnel of revision and that of the revolutionary people at the other end.

A successfully bourgeois rule requires both political expression and social rule. The political rule should both be the expression of social groups and permeate them. Just as happened before in the course of the Republic, the parliamentary bourgeoisie decided that “in order to preserve its social power intact, its political power must be broken” (B: IV. 143). However, it was wrong on both accounts: the political form had already become fragile and the social forces had already sided with Bonaparte. This was the irony or the curse of the bourgeoisie in

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combinations and cliques, neglect and dissection towards the central and moving power, a gradual weakening and fall of authority and of government.” Napoleon, *The Political and Historical Works of Louis Napoleon Bonaparte* . . . (New York: H. Fertig, 1972), 307. The entire pamphlet is an affront against the parliamentary regime and at the same time a defense of, not a return to monarchy, but the presence of a central power as the “distinctive characteristic of political progress in France” and unity under the law (294). While he laments the fact of political fragmentation of French society into numerous departments for electoral purposes, the concrete desire behind the pamphlet’s bid to revise the 1848 Constitution relates to “the impossibility of the country interposing its voice in its own affairs *for a period of four years*” (emphasis added; 292).

the face of the repeated pattern of permanent counterrevolution.<sup>70</sup> Such a dilemma arose precisely because of the resistance of the structure or the political form itself: it was the Constitution that resisted any attempt at an easy revision by containing a mechanism for revision. Thus, when the Assembly majority ultimately decided that a group of representatives from the two factions of the Party of Order should indeed move that the Constitution be revised, Marx writes, “the majority of parliament declared against the Constitution, but this Constitution itself declared for the minority and that its vote was binding” (B: VI. 168/94–95).<sup>71</sup> The structure of the constitutional Republic resisted its dissolution as a result of the revision thanks to the article in the Constitution requiring a certain majority to enforce any revision. The agents facilitated the dissolution of the form anyway; they thus acted unconstitutionally. The revision, that is, could be done only at the expense of betraying the structure of the Republic by the ruling agents in the parliament.

But the dissolution of the form of the Republic would mean the undoing of the unity of the rival factions of the big bourgeoisie, the legitimists and the Orleanists, the landed property and the trade and industry. Since they were the majority in the Assembly, their decline would give way to the full power of the executive. Moreover, since neither the proletariat nor any other class was ready to stand up for the Republic, it would remain only for Louis Bonaparte to arise as the victorious figure in the situation, as turned out to be the case within less than year in his coup d'état of 2 December 1851. In light of the outcome of the solution that the

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<sup>70</sup> While they do not use the term antinomy, commentators have deployed other terms to indicate the conflictual state in which the French bourgeoisie found itself. By stressing the bourgeoisie's relation to the state power it helped create, Hunt calls the outcome of its state-building an “ironic result”: “the executive power triumphs, *nota bene*, as a force ‘hostile’ to the bourgeoisie, even though the bourgeoisie had contributed heavily to the triumph.” Hunt, *The Political Ideas of Marx and Engels*, 51. In a similar vein, Draper writes, “The bourgeoisie . . . was incapable of opposing this development [of the state becoming independent of society and of the bourgeois parliamentary rule]; its contradiction was that it was simultaneously disarmed and defended by one and the same process, cured and castrated by the same operation.” *Theory of Revolution*, vol.1, 396.

<sup>71</sup> “Die Majorität des Parlaments erklärte sich so gegen die Verfassung, aber diese Verfassung selbst erklärte sich für die Minorität, und ihren Beschluß für bindend.”

Party of Order opted for in the face of the antinomy, that is to say, the downfall of its political form *as well as* the loss of its social rule, the support of the army and the bourgeois mass and other classes, we can now see the phenomenon of Louis Bonaparte himself as the inevitable outcome of the unresolved conflict.<sup>72</sup>

The decline of the Republic can be seen as its failure to hold together its constituent elements and thus justify its form as the form of its content. This was a failure to generate a unity in which the political form could go beyond the particularity of the interests of the participants in order to represent the universality of all the people. Our investigation will not be complete without considering the resolution to the antinomy

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<sup>72</sup> In a letter to Marx on the day after the coup d'état Engels points out the new situation as "the terrifying perspective of lack of opposition" ("schreckliche Perspektive der Gegensatzlosigkeit"; *Marx-Engels Gesamtausgabe*, III. 4: 260). A better translation for *Gegensatzlosigkeit* would be the lack of any contrast or contradiction. While Engels and Marx both wondered why there was no real opposition against Bonaparte on the part of the proletariat (a week or so later Engels wrote an article explaining the reasons; see *Marx-Engels Gesamtausgabe*, I: 11), the expression could also be read as Bonaparte having put an end to the contrast that had beset the forces of the Republic and thereby resolved the antinomy. In this respect, Gramsci's formulation of the phenomenon of Bonapartism or as he put it Caesarism is very useful and the closest one to the format of the antinomy:

"Caesarism can be said to express a situation in which the forces in conflict balance each other in a catastrophic manner; that is to say, they balance each other in such a way that a continuation of the conflict can only terminate in their reciprocal destruction. When the progressive force A struggles with the reactionary force B, not only may A defeat B or B defeat A, but it may happen that neither A nor B defeats the other—that they bleed each other mutually and then a third force C intervenes from outside, subjugating what is left of Both A and B." Antonio Gramsci, *Selections From the Prison Notebooks of Antonio Gramsci*, ed. Quintin Hoare, and Geoffrey Nowell-Smith (New York: International Publishers, 1971), 219.

He then goes on to indicate various examples of the intervening C with varying degrees of being progressive or reactionary: Napoleon I, Napoleon III, Bismarck, and the rise of Fascism in Italy and Germany. In our case, however, it is not easy to neatly tell apart and distinguish the natures of the A and B forces in terms of progressiveness. While the royalist Party of Order used the form of the parliamentary republic, this was to secure the interests of finance, landed property, and big industry and to do so they had to exclude the republican, proletarian, and social-democratic forces. They were thus reactionary forces. On the other hand, while the progressive forces, in particular the socialist proletariat, their occasional alliances with the peasantry in as the social base of Bonaparte, and early on with the bourgeoisie as well, at times jeopardized or polluted their progressive character. It is probably for this reason that Marx, throughout the *Eighteenth Brumaire*, widely took account of various coalitions, factions, and groups in both A and B forces.

#### § 4 THE RESOLUTION TO COME

Marx's proposal for resolving the antinomy can be viewed as an attempt to bring together the two levels of analysis that I offered in the previous sections of this chapter: the philosophical analysis of the antinomic form-content relation in the Republic (in §§ 1 and 2) and the political-empirical analysis of the manifestation of the antinomy (in § 3). From the standpoint of the *Eighteenth Brumaire*, the composition of which Marx started only weeks after the coup of December 2, 1851, the fall of the French Republic was inevitable not because of the particular decisions that the actors made on the occasion of, say, the revision of the Constitution, but because of the nature of the political form as conditioned by the rule of capital. In this sense, no matter what the actors did, their deeds were doomed. This is critical to any consideration of a resolution to the antinomy. For unpacking this view on the inevitability of the antinomy and collapse of the bourgeois republic in Marx, a closer look at the mode of exposition in the *Eighteenth Brumaire* with regard to its different temporalities will prove useful.

The *Eighteenth Brumaire* performs on three temporal modalities: the temporality of political acts in the present tense, the temporality of capital in the past or rather in the perfect tense, and the temporality of the resolution in the future tense. The first two modalities correspond to the two standpoints of the *Eighteenth Brumaire*, synchronic and diachronic, both with regard to the form of the republic as such and the structure of capital as such, and with regard to the particular political development of the Republic and the specific development of capital in France with the rise of the smallholding peasants, landed property, and the centralized state. The third temporality relates to the resolution, in which the two standpoints are to be unified. Now, because the predominant mode of narrative in the *Eighteenth Brumaire* is political, we should be careful not to draw sharp lines between the narrative temporalities on one hand and, on the other, between them and discursive or theoretical standpoints. The political narrative,

which treats both of the form of the Republic and of the concrete development of events within that form, is also dominant in Marx's attempt to offer a resolution to the antinomy. I clarify this point as I proceed to examine the resolution.

In the first temporality, the book offers a chronicle of events spanning in a linear mode from the late 1848 through the early 1852. Here, the deeds of the actors act upon one another in a chain of causality with specific effects leading up to the end. It also offers a retrospective narrative in light of the final downfall of the Republic in which all previous stages and acts appear predetermined, inevitability leading up to the end result. For instance, the function of the 15<sup>th</sup> of May, 1848, insurrection by the Parisian proletariat, an early turning point in the developments to come, is cast in these terms:

In vain the Paris proletariat, which immediately grasped the character of this National Assembly, attempted on May 15, a few days after it met, forcibly to negate its existence, to dissolve it, to disintegrate again into its constituent parts the organic form in which the proletariat was threatened by the reacting spirit of the nation (B: I. 110/17).<sup>73</sup>

The “organic form” did not fall apart but continued its life. Its final disintegration, as Marx knew the end of the story, came about thanks to, not the proletarians, but the Bonapartist state backed up by the peasants and lumpenproletariat. Yet, this early decisive exclusion of the proletariat and their ideal of a social republic was to cast its long shadow over the subsequent developments, acting as a demand whose repression by the ruling classes cost them the Republic. The last chapter of the work contains the following remark: “On the threshold of the February revolution, the *social republic* appeared as a phrase, as a prophecy. In the June days

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<sup>73</sup> “Vergebens versuchte das Pariser Proletariat, das den Charakter dieser Nationalversammlung sofort begriff, wenige Tage nach ihrem Zusammentritt, am 15. Mai, ihre Existenz gewaltsam wegzuläugnen, sie aufzulösen, die organische Gestalt, worin der reagirende Geist der Nation es bedrohte, wieder in ihre einzelnen Bestandtheile zu zerstreuen.”

of 1848, it was drowned in the blood of the *Paris proletariat*, but it haunts the subsequent acts of the drama like a ghost” (B: VII. 181/111).

The second temporality follows a logic that goes beyond the causal nexus of concrete events during the period at stake. Here, the narrative tells the story, not of an act enclosed in a period, but of a set of conditions historically and logically preceding the period. Historically, because Marx’s account of the rise of the centralized state and the smallholding peasants trace these to the late eighteenth century. Logically, because his evolving concept of the capital form, as a force accompanying the forming of the state and conditioning the making of the smallholders, is not bound to the specific and contingent conditions of France. Representative of this second mode of narrative is what Marx says of the Republic in the early third period when both the socialist and pure-republican forces had been widely ousted from the scene of the drama, “Here, in the bourgeois republic, which bore neither the name *Bourbon* [the house ruling during the *Restoration*] nor the name *Orleans*, but the name *Capital*, they found the form of state in which they could rule *conjointly*” (B: II. 120/30). The core claim in this mode is that the Republic owed its form to the capitalist mode of production and thus was the political expression of the rule of one class over all others.

Michel Henry’s words speak to the two temporalities in Marx’s work in these terms:

In examining the revolutionary process in France during the years 1846–1851 [*sic*], Marx divides it in two times, the primary time, which has just ended under his eyes, which belongs to the past, which ends with the coup d’état of December 2, and the secondary time that is the process of self-realizing, whose description is at the same time a prophecy and which Marx justly interprets as the constructing of a secret finality beneath an apparent counter-finality.<sup>74</sup>

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<sup>74</sup> Michel Henry, *Marx: Une philosophie de la réalité*, vol. 1 (Paris : Gallimard, 1976), 166–167.

The manifest counter-finality or counter-purposiveness for Henry refers to what guided the major actors in the Republic in their decisions to preserve themselves both against the social forces from below and the Bonapartist statist forces from above, up to the constitutional revision affaire. The secret or latent finality, on the other hand, refers to the insight that all those deeds, as we saw, only accelerated the opposite of what they aimed to negate: the strengthening of the state over the parliament and society. The Bonapartist coup was the ripe fruit of this latent finality. In other words, standing at the close of the period at issue but starting with the February days in 1848, Marx is recounting a forward-moving series of political acts and events at the same time as he is narrating the predestined outcome of those acts and events from the perspective of the capital. The counter-finality is the irony teasing the naïve purposiveness of the agents insofar as they were the agents of the autonomous form of political life. Marx's operation in the *Eighteenth Brumaire*, however, does not stop here. There is a third temporality with which he can anticipate a resolution to the antinomy.

If Marx had stuck to these two temporalities, he would have had to endorse a pure blind historical determinism whose necessity would be impossible to decipher. Without a necessity, there would have been no antinomy to begin with. The antinomy arose precisely because both the form and the content of modern political life for Marx equally held true yet came into conflict with one another under the condition of capital. Of the affirmative importance of the bourgeois form created by the February revolution in relation to the collapse of the Republic, Marx writes:

Under Louis Philippe the privileged part of the bourgeoisie concealed its rule beneath the crown; in the parliamentary republic the rule of the bourgeoisie—after it had united all its elements and made its empire the empire of its class—revealed itself. So the revolution had first created the form in which the rule of the bourgeois class received its broadest, most general and ultimate expression and could therefore also

be overthrown, without being able to rise again. Only now was the sentence executed that was passed in February upon the Orleanist bourgeoisie, i.e. the most viable faction of the French bourgeoisie. (B: VII. 183/114) <sup>75</sup>

The first part of this passage from the last chapter of the *Eighteenth Brumaire* does not tell us anything we do not already know from the preceding chapters of the work; the parliamentary Republic proved to be the revelation of bourgeois rule in which the competing factions of the big bourgeoisie reached consensus and ruled conjointly. The parliamentary Republic, that is, became the fittest form for the bourgeois rule thanks to the February revolution. What the passage in its second part adds to this insight, however, is a claim that is neither chronological nor structural-historical, but philosophical and prophetic. It states that it was necessary for a fully bourgeois, thus abstract and illegitimate, political form to emerge and to run its course to its downfall. “Now a crushing blow was struck,” by the Bonapartist forces, at the entire body of the bourgeois political as well as social rule: “at its parliament, its legal courts, its commercial courts, its provincial representations, its notary’s office, its university, its tribune and its tribunals, its press and its literature. . . .”

This crushing of the bourgeois rule was accomplished not by progressive, proletarian forces, but by reactionary, imperialist Bonapartist forces in collusion with smallholding peasants and urban property-less masses; the same social content that the bourgeois classes had curbed in the interest of the abstract political form of the parliamentary republic suitable for unifying various fractions of the bourgeoisie. As Marx puts it in a series of rhetorical

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<sup>75</sup> “Unter Louis Philippe verbarg der bevorzugte Theil der Bourgeoisie seine Herrschaft unter der Krone; in der parlamentarischen Republik zeigte die Herrschaft der Bourgeoisie nachdem sie alle ihre Elemente vereint und ihr Reich zum Reiche ihrer Klasse erweitert hatte, nacht ihr Haupt. So mußte die Revolution selbst erst die Form schaffen, worin die Herrschaft der Bourgeoisie ihren weitesten, allgemeinsten und letzten Ausdruck gewinnen, also nun auch gestürzt werden konnte, ohne wieder aufstehn zu können. Erst jetzt wurde das im Februar erlassene Urtheil an der orleanistischen Bourgeoisie, d. h. an der lebensfähigsten Fraktion der französischen Bourgeoisie vollsteckt.”



inversions, “The French bourgeoisie balked at the power of the working proletariat; it has brought the lumpenproletariat to power. . . . The Bourgeoisie apotheosised the sword; the sword rules it. It destroyed the revolutionary press; its own press has been destroyed . . .” (B: VII. 183/112). Though the crushing was not the work of the proletariat, it served, for Marx, as the necessary precondition for a proletarian revolution to come. Years ago Marx had concluded his self-defense before the Prussian court on the same note, “Perhaps the victory of the revolution is possible only after the completed counterrevolution” (MEW 6: 257).<sup>76</sup>

The counterrevolution in our case is the Bonapartist coup d'état. It proved a solution to the antinomy of the parliamentary Republic, but it was not the true resolution to the antinomy for Marx: “Instead of *society* having conquered a new content for itself, it seems that the *state* only returned to its oldest form, to the shamelessly simple domination of the sabre and the cowl” (B: I. 106/13).<sup>77</sup> Here Marx expressively defends the bourgeois form of politics as opposed to the shameless rule of brute force even if the latter crushed the bourgeois rule. The resolution to the bourgeois antinomy is not an all-powerful state machinery. At issue for him is rescuing the abstract form of modern politics, which has broken with the old forms of rule, by conquering its own actual content. The modality of the future in the *Eighteenth Brumaire* is conditioned by this very historical-philosophical principle of the necessity of the emerging *and* perishing of, to use the language of Marx's prime years, the “mere *political formalism* of bourgeois society” (MEW 1: 277).<sup>78</sup> It is in this sense that the early famous passage in the pamphlet should be understood:

The social revolution of the nineteenth century cannot draw its poetry from the past, but only from the future. It cannot begin with itself before it has stripped off all

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<sup>76</sup> “Vielleicht ist der Sieg der Revolution erst möglich nach vollendeter Konterrevolution.”

<sup>77</sup> “Statt daß die *Gesellschaft* selbst sich einen neuen Inhalt erobert hätte, scheint nur der *Staat* zu seiner ältesten Form zurückgekehrt, zur unverschämten einfachen Herrschaft von Säbel und von Kutte.“

<sup>78</sup> “bloßen *politischen Formalismus* der bürgerlichen Gesellschaft.”

superstition about the past. Earlier revolutions required recollections of past world history in order to dull themselves to their own content. In order to arrive at its own content, the revolution of the nineteenth century must let the dead bury their dead. There the words went beyond the content; here the content goes beyond the words. (B: I. 106/12)<sup>79</sup>

The call to the content is a call to make the abstract form of the Republic, inherited from the eighteenth centuries' revolutions, become conscious of its constituents, yet this self-consciousness is not possible under the historically given conditions of bourgeois society, that is, under the condition of capitalist production. Capital, the full analysis of which Marx was yet to undertake, is that which stymies the legitimacy and autonomy of the political form as the form of its content. However, it was owing to the triumph of capital following the February revolution and the repressing of the June insurrection, as we saw above, that the form of the republic with its claim to universal representation could assert itself. The *Eighteenth Brumaire* is not sufficiently articulate on this double role of capital in contributing both to the political form and the social content of bourgeois society at the same time as it prevents the unity of both. Yet it was only after the failure of the republican revolutions of those four years in Europe, especially in his own Germany, that Marx fully resumed his political-economic studies during his long exile in London, which came to fruition in the *Capital* project. To understand the modality of the future in Marx, under the sign of which the failure of the republic transpires as a necessary and welcomed event, we need to find a way to reconcile the two temporalities in Marx. To do so, and in proposing the *Eighteenth Brumaire's* resolution to the antinomy of the

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<sup>79</sup> "Die soziale Revolution des neunzehnten Jahrhunderts kann ihre Poesie nicht aus der Vergangenheit schöpfen, sondern nur aus der Zukunft. Sie kann nicht mit sich selbst beginnen, bevor sie allen Aberglauben an die Vergangenheit abgestreift hat. Die früheren Revolutionen bedurften der weltgeschichtlichen Rückerinnerungen, um sich über ihren eigenen Inhalt zu betäuben. Die Revolution des neunzehnten Jahrhunderts muß die Todten ihre Todten begraben lassen, um bei ihrem eignen Inhalt anzukommen. Dort ging die Phrase über den Inhalt, hier geht der Inhalt geht über die Phrase hinaus."

republic, I conclude this chapter on a note about the prominent Marxian figure that turned out sidetracked in the development of the nearly four years at stake here: the proletariat.

The antinomy that we investigated had entangled the bourgeois rule in the face of the desiderata of its own form of politics, which it failed to meet, giving way to most reactionary monarchic and imperialist forces. This form had a double character. On the one hand, it was autonomous according to its central claim to represent all the people and thus legitimize itself by virtue of its content alone. On the other hand, however, it was a social fact, the product of forces that preceded its revolutionary coming on the stage in the February days. Its main challenge, therefore, was to assert its autonomy within the coercive historical conditions of its genesis. A true synthesis of the double narrative necessary for grasping the fate of the Second Republic must take into account both the capital form and its real produced content, the army of wage laborers. But this army itself needs to emerge as a class that is aware of its own position in modern society. The becoming of such a class, ironically, requires the ripening of the social-political conditions against which it is to fight, that is, the conditions of bourgeois rule. Thus, the resolution to the antinomy can be found in the following remarks by Marx with regard to the third period of the Republic in which even the pure republicans along with the socialists had been excluded:

As long as the rule of the bourgeois class had not been organised completely, as long as it had not acquired its pure political expression, the antagonism of the other classes, likewise, could not appear in its pure form, and where it did appear could not take the dangerous turn that [ suddenly puts into question the property, the religion, the family, and the order] transforms every struggle against the state power into a struggle against capital. (B: IV. 142/60)<sup>80</sup>

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<sup>80</sup> “So lange die Herrschaft der Bourgeoisie sich nicht vollständig organisirt, nicht ihren reinen politischen Ausdruck gewonnen hatte, konnte auch der Gegensatz der andern Klassen nicht rein hervortreten, und wo er hervortrat, nicht die gefährliche Wendung nehmen, die sofort das Eigenthum, die Religion, die Familie, die Ordnung in Frage stellt, jeden Kampf gegen die Staatsgewalt in einen Kampf gegen das Kapital verwandelt.”

The two modalities of Marx's narrative in the *Eighteenth Brumaire* find their unity in the above claim. This states that the political anti-state struggle, such as the one against the July Monarchy leading to the Second Republic or the June Insurrection against the established government, becomes at once an anti-capital struggle provided only that the rule of capital has found its pure expression in politics. Marx's best example of the discrepancy between these two struggles, that is, a political struggle devoid of class struggle, is the position of the social-democratic Montagne party in 1849. This party became a coalition of the peasants and some socialist workers. "The peculiar character of Social-Democracy is epitomised in the fact that democratic-republican institutions are demanded as a means, not of superseding two extremes, capital and wage labour, but of weakening their antagonism and transforming it into harmony" (B: III. 130). The social democrats, according to Marx, accept the general framework of the bourgeois republic and fight for political representation within it, thus avoiding the class struggle that permeates the social content of that framework. On account of Marx's passage quoted above, one could then maintain that the predominance of a social-democratic political struggle, of the petty-bourgeois kind that was the case in the Second Republic according to Marx, already implies that the rule of the bourgeois class has not found its pure political expression such that any struggle against the state would be at the same time one against capital.

The political agent to come, therefore, leads a politics that is simultaneously the conscious reflection of class struggle within the bourgeois society, coming to terms with the conflicts in the social content of the political life. It is such an agency that can unite the empirical narrative

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Note: the clause "das Eigentum . . . stellt" belongs to a later version of the book, which is missing in the English translation used above. I have added it in brackets.

of political events with the transcendent account of the historically conditioned formal structure of the capitalist mode of production. The resolution to the antinomy of the republic will be provided by the practice of a self-conscious class that knows that “There is no political movement that would not simultaneously also be a social movement” (MEW 4: 182).

Now, inasmuch as the prospect for a genuine, not Bonapartist-smallholding, resolution to the antinomy is at issue, the same risk of antinomy in which the bourgeois republicans found themselves entangled besets the proletariat. After all, as Marx submits in the longer passage quoted above, the ripening of the bourgeois rule must coincide with the ripening of its class enemy, the proletariat. Is it not the very presence of such a class that already signifies that the capital has found its pure political expression? Or is it the other way around? There is not much of an answer to this circular problematic in the *Eighteenth Brumaire*. The proletariat, therefore, acquires an ambiguous status in the pamphlet. In the concluding remarks of his lecture on the *Eighteenth Brumaire*, Claude Lefort describes the double character of this “strange being” succinctly:

At once purely social, purely historical, and, as it were, outside society and history—a class which ceases to be one, since the dissolution of all classes takes place within it, and the only class which can act in a way which is free from the poetry of the past; a strange being who fulfils the destiny of humanity, but abolishes all tradition—an heir without a heritage. Should we say that it is the destroyer of the social imaginary or the last product of Marx's imagination?<sup>81</sup>

If the last word of Lefort's lecture happens to be “imagination,” then it is not out of order to stress the aesthetic dimension of Marx's operation in the *Eighteenth Brumaire*. After all, it is in aesthetics, as I have tried to argue in this dissertation, that the double character, social and

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<sup>81</sup> Claude Lefort, *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism*, ed. John Thompson (Cambridge, MA: MIT Press, 1986), 180.

autonomous, of any attempt at self-determination within a coercive nexus of determining relations most consistently manifests itself. And yet, the resolution to this bewildering conflict between the two characters cannot be given in aesthetics itself.

## CONCLUSION

The four chapters of this dissertation have investigated the problem of autonomous form under specific historical conditions in the domains of aesthetics, literature, politics, and history. I have submitted two related theses. The first thesis states that autonomous form is inevitably antinomic, and the second thesis underlines that it is antinomic only under the conditions of capitalist society. In short, the antinomy is historical. I presented a model of performative antinomy in which a formal act of self-relation faces difficulties from its real conditions of possibility—both of these aspects are valid and demand resolution. A performative antinomy must be of a historical nature if it is to take into account the relation of opposition between an internally successful act and its external conditions.

I cast the antinomy problem in the modality of the aesthetic in chapter one, while the three other chapters conformed to it in working out their respective problems in regards to the literary work, the person and the state, and the republic. The awareness of the conflict and the proclivity to resolve it constituted the defining mark of the four primary texts that I examined. A conclusion for such a study proceeding under the sign of structural parallelism must note the relationship between the aesthetic modality and other spheres with their specificities. Instead of stressing their likenesses, this is the place to highlight their differences.

In chapter one I aimed to show that the relationship of the aesthetic act to its own context becomes a direct issue both for the act itself and for the observer of the act. If the aesthetic act fails to turn that relationship into an issue, it falls back into the fetish-commodity form and, more generally, into the form of functionality as such. In this case, the aesthetic act of the artwork would lose its claim to autonomy as freedom from any function imposed on it from an outside force. Avoiding this generates both a remarkable consciousness of the act's

conditioning as well as a commitment to resolve the ensuing conflict. Without this commitment, the autonomous aesthetic act ends up as pure fetish, a mere semblance, as the sign of false consciousness.

In this context, saying that autonomous form “is conscious” of its conditions does not necessarily need to be taken in a figurative sense only. In my readings of Adorno’s proposed resolution to aesthetic antinomy, Hegel’s view of the infinite self-relation in the embodied subject as person, and Marx’s conception of the proletariat as a force that is neither entirely social nor entirely autonomous, I did take it literally in order to leave room for metaphysical resolutions to the arising antinomies. However, there is no rule against a metaphysical or theological account, no matter how minimally conceived or *pianissimo* played, of the force that supposedly holds together the elements of the form by binding them to a law distinct from natural causation, social functions, or historical circumstances.<sup>1</sup> However the resolution may be imagined, one thing remains certain: although the aesthetic can figure a resolution or, for that matter, may even be able to show in an Aristotelian or Platonic fashion, how forms as such work in the world, how they emerge out of disparate materials and govern unities and arbitrate conflicts — the aesthetic nevertheless falls short of actually resolving the antinomy of form. For it belongs to the realm of semblances with no power to change things or the conditions of possibility or impossibility. Unless, again, we go for the alternative, and mobilize aesthetics in a high metaphysical key by, say, conceiving of nature, history, and life as aesthetic phenomena in which forms come into being and perish by virtue of an objective force whose source of causality remains obscure to us. This, however, would mean that instead of facing

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<sup>1</sup> The impossibility of ruling out a metaphysical account in dealing with the matters of autonomy and rationality in the modern world, see Hent de Vries, *Minimal Theologies: Critiques of Secular Reason in Adorno and Levinas*, 151–164.



the predicament of the aesthetic mode of thinking and acting, we would be raising it to an absolute standpoint ostensibly freed of the conflicts of other formal acts.

As I attempted to illustrate, none of the four figures whose works I examined here would have settled for such an account. For Adorno, Kleist, Hegel, and Marx, the autonomy claims of their subject matter of the specific texts explored here must face the crucible of their real conditions of existence, of the world of law-bound appearances, unyielding obstacles, and inevitable antagonisms. The resolutions that the autonomous forms offer to defend their identities must, for their part, justify themselves and live with the consequences of their specific formations. Thus, Kleist's *Michael Kohlhaas* must show that it is aware of the tension between its forensic and fantastic modes of narrative and further legitimize its specific way of recomposing itself in response to that conflict. The human subject as a person capable of saying "I am myself, free, and entitled to rights" must, or even ought to, endure the resistance imposed on that utterance by physical, psychological, social, and historical conditions that make the utterance possible. And finally, the 1848 revolutionaries could not naïvely proclaim that the republic was a political form claiming to represent all people while closing their eyes to the antagonistic nature of all that their act presupposed. Keeping the eyes open, however, does not necessarily amount to cynicism or resignation in the face of historical hurdles. Revolutionary acts must suffer through not only their miscarriages but the reasons for miscarrying, and must thus learn the lesson that the revolutionary act must reappropriate and take possession of its very conditions.

Each of the four cases in question attempts to reconstruct its original claim to autonomy after that claim was confronted with its real conditions. My particular account of the four reconstructions may not be the only path ahead. But there must be a path for reconstruction, at any rate, if the act is to be legitimate and in accord with its concept. In chapter three I

reproduced Hegel's 1801/1802 schema (see Figure 2) that describes how philosophies that rely on a subject-object dichotomy become entangled in antinomies by failing to locate a ground to bring together the opposed determinations of their constructs. Hegel's goal—which turned into the program of his system as such—was to show that the antinomies between a self-related, self-identical structural form, such as the 'I,' and the resistant world of objective, non-identical obstacles arise because philosophy fails to heed the actual conditions for its systematic efforts. Thus, philosophy becomes abstract and not determinate. I have argued that while Hegel's plea to seek conditionality in the constitution of the person in bourgeois society was indeed a breakthrough in modern practical philosophy, his own effort to reconcile the systematic aspect of personality and its historical arising produced more antinomies. This occurred for Hegel did not go far enough in analyzing the concrete conditions of bourgeois society as the birthplace of persons, and instead opted for a third standpoint anchored in world history and its spirit. The third Hegelian standpoint involved a double commitment: to the Absolute and to "objective totality." The other three texts that I examined here are marked by deviations from Hegel's solution that nevertheless stick to its core problematic: how to think the infinite self-relation and its finite conditionality at one and the same time. I further argued that it was in Marx's *Eighteenth Brumaire* that seeking concrete conditions with regard to the autonomous form of the republic was fully carried out.

Even so, Hegel's schema is useful both for imagining the relation of autonomous form and its conditioning in each case and for the relationship between all four cases from a global perspective. Accordingly, I propose a similar schema (Figure 3) regarding the dissertation's thesis as a whole. Adorno's aesthetic theory posits the problematic of autonomous form and its historical conditions. When we look at the three concrete cases of self-relation in Kleist, Hegel, and Marx—that is, *Michael Kohlhaas*, a modern person, and the Second Republic,

respectively—we find that though they are structurally analogous, ontologically they are very different phenomena: one is a text, one is a human being, and the other an abstract entity composed of human beings, texts, things, and institutions. Thus, Marx offers the largest case by considering the most general or structural set of conditions underlying a self-relating entity, the republic. The dominant mode of narrative in the latter case, as I have shown, was political. The proclamation of the modern republic was the expression of the claim of politics in the sense of the participation of all individuals in collective self-determination.

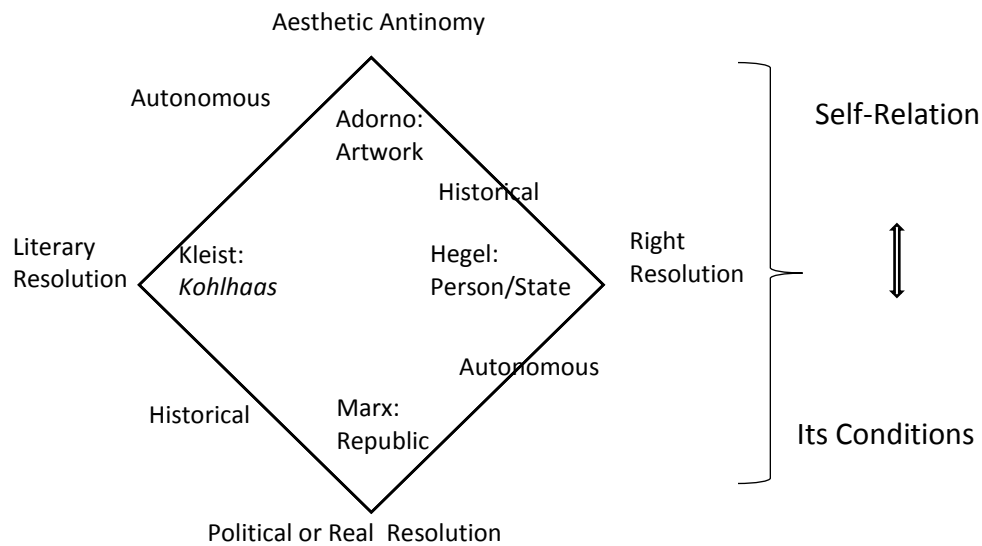


Figure 3

And yet, the historical framework that makes such a revolutionary act of proclaiming possible, the rule of capital, proved to be the conditions of impossibility of what was proclaimed, the political form of the republic. The same conditions played a crucial role in the other cases I investigated. For Marx, I argued that revolutionizing the conditions of possibility of the truly political form itself would take a political form. Thus, the same conflict between a self-relating form and its capitalist conditions of possibility found a literary resolution in Kleist

and a speculative or right resolution in Hegel, but a political or real resolution in Marx. The conflict, however, whose resolution turned out to be political was originally posed in the aesthetic mode. Therefore, the aesthetic problem of the autonomous act under the specific historical conditions of bourgeois society can fully manifest itself only in a political mode in which the relation of an act and its conditions most concretely reveals itself.

A renewed engagement with antinomies in thinking structures and their social facticity may help us shed light on the wider geography of, in Kant's language, the dialectical battlefields where rival accounts of double aspects of any matter at hand continue to fight each other. The second half of the twentieth century and the early years of the present century have seen several attempts to recapture that terrain. One could think of New Marx Readings in political economy, Speculative Realism, New Materialisms, and studies of Anthropocene in philosophy and historical sociology, different tenets of revisiting Hegel in practical philosophy, and Freud and Lacan in psychoanalysis, but also new interpretations of theology as structuring modern politics and ethics. A key concern of some of these efforts is their shared lines of flight from relativism, individualism, and finitude engendered by rethinking the notions of the infinite, the structural and historical totality, and truth. In particular, I think of Alain Badiou's project of presenting philosophy as a reflection on truth through rigorously taking into account the conditions of producing truths in art, science, psychoanalysis, and politics.<sup>2</sup>

To conclude, this dissertation hopes to contribute to philosophical aesthetics and, more generally, to understanding some of the key problems in philosophy, political thought, and literature, which I believe first revealed their full import in modern Germany thought, through a single insight. That is, an inquiry into conditions — economic, social, and historical — not

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<sup>2</sup> His most recent work, a forthcoming sequel to *Being and Event* (London: Bloomsbury, 2013, originally published in French in 1988), is *L'immanence des vérités* (Paris: Fayard, set to be published in September 2018).

only does not undo what is perceived as the autonomy of formal disciplines in humanities, it can very well confirm the necessity of this autonomy. This, however, demands that we traverse our fantasies about that autonomy by looking into the eyes of the objective forces that infiltrate it to its most ideal extremes. Aesthetics proposes a model of free, self-ruled praxis, but the act itself must be performed by actors in often undecorated, austere, and now globally heated conditions.

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## VITAE

Omid Mehrgan was born in 1979 in Tehran, Iran. After finishing his high school education in Mathematics and Physics in 1996, he attended Amir Kabir University (Tehran Polytechnic) and received an Associate Degree in Chemical Engineering in 2003. During that time, he completed a filmmaking course at Iranian Youth Cinema Society in 1998 and made some short movies. In the course of the following decade he worked for three years at Shargh Daily as a Humanities Section co-editor and columnist. He translated from German and English into Farsi works in Critical Theory, philosophy, and aesthetics, in particular, Th. W. Adorno and Max Horkheimer's *Dialektik der Aufklärung*. During the same period, he published a short book about Walter Benjamin's theory of translation and co-edited volumes in Farsi on modern European thought. In 2012 he was admitted to the Ph.D. Program in Intellectual History at the Humanities Center. In 2015 he received his M.A. in German Studies from the Department of German and Romance Languages and Literature at Johns Hopkins. Over the years he has taught courses in aesthetics, metaphysics, and political philosophy.